



QK2026127

# 浙江社会科学

ZHEJIANG SOCIAL SCIENCES



首批国家社科基金资助期刊  
全国中文核心期刊  
全国人文社会科学核心期刊  
中文社会科学引文索引 (CSSCI) 来源期刊

2020.6

---

4	财政纵向失衡、土地财政与通货膨胀·····	储德银 费冒盛
12	大数据时代企业创新的文化驱动·····	毛 伟

---

·法学基本范畴研究：财产权·

学术主持人：常鹏翱

21	拓荒与万恶之源：财产权正当性论题的反思·····	唐晓晴
30	财产权保护与不动产权利的登记·····	程 啸
37	财产权相对消灭论：经由民法和行政法的双重正当性检验 ——以无偿收回设定抵押权的闲置土地使用权为分析对象·····	常鹏翱
46	业主的财产权保护 ——以配套公建权属不明为切入点·····	张 伟

---

55	环境污废如何演化为社会风险?·····	王海明
66	建构、遗忘与激活：社会危急事件的媒介记忆·····	杨 超 朱小阳 揭其涛
73	社会包容对流动人口生活满意度的影响 ——基于 CSS 数据的分析·····	易龙飞

---

79	哲学境域中的“启蒙之思”：从康德、福柯到哈贝马斯·····	胡军良
87	相对主义时代的价值重建 ——“共同价值”的道德哲学诠释·····	张 宏 肖会舜

---

·浙学研究·

94	浙江儒学总论: 从王充到马一浮	
	——论浙江儒学的思想特色与精神价值 .....	吴 光
105	论传统文化典籍创造性转化、创新性发展 .....	王建华 俞晓群
112	一曲哀弦向谁诉	
	——陆游沈园题壁考辨 .....	白效咏
117	明清以前东南山林的定界与确权 .....	杜正贞
128	从“学院自由主义”到“贝尔纳主义”	
	——竺可桢对中国现代科学发展道路认识的转变	
	.....	潘一骁 张立 许为民
135	陈训正与近代宁波教育 .....	徐赛颖 唐燮军
143	“绿水青山就是金山银山”理念的文献研究	
	——基于中国知网数据的计量分析 .....	李 萍 侯子峰 胡志刚

·论著评介·

152	重塑阳明的“心态世界”	
	——评束景南先生新作《阳明大传——“心”的救赎之路》 .....	王绪琴
155	本期英文提要(ABSTRACTS)	

本期执行编辑 徐灵燕

# ABSTRACTS

## Vertical Fiscal Imbalance, Land Finance and Inflation

(4)

Chu Deyin, Fei Maosheng

(School of Finance and Public Administration, Anhui University of Finance and Economics, Bengbu 233030)

**Abstract:** Constructing a new type of inter-governmental financial relations between the central and local government with clear rights and responsibilities, financial coordination, and regional equilibrium is not only an important measure to regulate the revenue and expenditure behavior of local government, but also the key to ensure high quality economic development and prevent and resolve major systemic financial risks. Firstly, this paper theoretically expounds the mechanism of vertical fiscal imbalance and land finance to inflation under the Chinese decentralization. Secondly, by constructing a dynamic panel simultaneously equation model and taking 3SLS to empirically investigate the impact of vertical fiscal imbalance and land finance on inflation in China, the result shows that there is a significant positive correlation between land finance and inflation, but the positive correlation between vertical fiscal imbalance and inflation is not significant. After that, through the standardized regression of the dynamic panel simultaneous equation model, the paper further investigates the channels and transmission effects of vertical fiscal imbalance and land finance on inflation. The estimated results show that although the direct channel of vertical fiscal imbalance on inflation are not significant, it can indirectly boost inflation through land finance. In contrast, the increase of local government land finance will directly promote the rise of inflation level.

**Key words:** vertical fiscal imbalance; land finance; inflation; dynamic panel simultaneous equation model

## The Cultural-driven of Enterprise Innovation in Big Data Era

(12)

Mao Wei

(Research Institute of Development Strategy & Public Policy, Zhejiang Academy of Social Sciences, Hangzhou 310007)

**Abstract:** The new technology revolution caused by big data technology has not only changed the management paradigm and operation process of enterprises, but also changed the enterprise innovation mode. In this context, the intellectualization and intelligence of competition make the influence of corporate culture on innovation greatly enhanced. The mechanism of enterprise innovation driven by innovation culture mainly includes three aspects: cultivating multi-dimensional innovative spirit, transforming the organizational structure and creating the innovative atmosphere. In the process of enterprise innovation, the innovation spirit needs to be compatible with big data technology and constantly integrated into the institutionalized intelligent learning organization and the non-institutionalized enterprise innovation atmosphere, so as to build the enterprise innovation culture system with the characteristics of big data era. Structural and functional conceptual analysis of corporate innovation culture will not only help us to understand the dynamic mechanism of corporate innovation culture in the process of forming the core competitiveness of corporate in the context of big data, but also this analytical framework may have some theoretical value for further exploration of the corporate innovation mechanism.

**Key words:** big data; innovation culture; enterprise innovation

## Path-Break and Radix Omnium Malorum: Reflection on the Legitimacy of Property Rights

(21)

Tong Io Cheng

(Faculty of Law, University of Macau, Macau 999078)

**Abstract:** The foundation of the legitimacy of property rights is the existence of wilderness. The development of human society demands wilderness, but the wilderness is no man's land and in a dimension outside the law. The growth of population and the development of social production activities eventually turned

## ABSTRACTS

into the request of land and other resources. The wilderness-exploit movement in European history caused scholars' dispute about the legitimacy of property rights. Back to Roman law, through occupatio or specificatio to obtain ownership is legitimate and consistent with ratio naturalis. Under the basis of ratio naturalis, Hugo Grotius and Samuel Pufendorf based the legitimacy of property rights on the presumed "agree" of all persons. The British enlightenment philosopher John Locke demonstrated the legitimacy of property rights with "labor", which attached to things. Locke's Labor Theory of Property laid the theoretical foundation for Modern Capitalism. Contemporary scholars justified the legitimacy of private property by "the relationship of property rights and incentive mechanisms". The property mechanism of the 21st century should consider the shortage of social resources and to rethink human nature.

**Key words:** property rights; wilderness; radix omniummalorum; ratio naturalis; labor theory

### **Protection of Property Rights and Registration of Real Estate Rights** (30)

Cheng Xiao

(School of Law, Tsinghua University, Beijing 100084)

**Abstract:** Real estate rights with registration capabilities are not limited to real estate rights. Any real estate rights that are significant to transactions, such as real estate rights that are effective against third parties, should have the ability of register. In the context of the unified registration of real estate in China and the improvement of the registration system, especially considering the development of information technology, the capacity and capacity of real estate registration and publicity are expanding, the scope of registerable real estate rights should be expanded. In addition to the real estate rights that have been clearly defined as real rights by law, the law should also clarify the registration capabilities of real estate rights such as real estate trust property rights, real estate lease rights, real estate charging rights, prospecting rights, and mining rights, and publicize them through the real estate register. Only in this way can we fully protect the property rights of real estate right holders, exert the utility of real estate and better maintain the security of transactions.

**Key words:** property right; real estate registration capacity; real estate registration; register

### **The Theory of Relative Elimination: Examination for Its Propriety from both Civil Laws and Administrative Laws—— On Recovering without Compensation the Land Use Right of the Idle Land with Mortgage** (37)

Chang Peng'ao

(Law School, Peking University, Beijing 100871)

**Abstract:** Once any jus in re aliena existing in one property right, one part of the property right is deprived by the former. In this case, the property right would be eliminated relatively for the property owner based on eligible eliminated reasons, while still exists for jus in re aliena, which is called as the theory of relative elimination for property rights. This theory should be applied for the situation in which the idle land is recovered without compensation by the government but there is mortgage on the land before it is identified as idle land. Therefore, the land use right would be eliminated but the mortgage still exists. The theory not only accords with civil law theories and norms, but also holds up for the examination from the principle of proportion, public interest, administrative penalty and the doctrine of legitimate expectation.

**Key words:** relative elimination for the property right; the land use right for idle land; recovery without compensation; mortgage; examination for the propriety

### **Protection of Property Rights of Owners: Starting from Unclear Ownership of Supporting Public Buildings** (46)

Zhang Wei

(School of Law, Zhejiang Gongshang University, Hangzhou 310018)

**Abstract:** The unclear ownership of supporting public buildings restricts the exercise of property rights of owners, which makes the healthy operation of residential quarters difficult to continue. This paper analyzes the reasons why the ownership of supporting public buildings is not clear and the fuzziness of the concept of "public places and public facilities" in Article 73 of the property law should be the crux of the unclear ownership of supporting public buildings. The profit-seeking nature of developers is contrary to the public ser-

vice nature of supporting public buildings, and the long-term use interests of owners naturally urge them to take the maintenance of supporting public buildings as their own duty. Therefore, in terms of interpretation theory, it is advisable to uphold the concept that supporting public buildings are priority to owners' statutory common ownership, so as to achieve the legal interpretation effect of expanding the scope of supporting public buildings owned by owners, so as to minimize the situation of unclear ownership of supporting public buildings. In order to protect the property rights of the owners, the registration layer should register the supporting public buildings constructed by developers in violation of regulations as the owners' joint ownership.

**Key words:** protection of property rights; supporting public buildings; unclear ownership; public services; statutory co-ownership

### How Pollution and Waste in Environmental System Grow into Social Risk? (55)

Wang Haiming

(Zhejiang Academy of Social Sciences, Hangzhou 310007)

**Abstract:** With the development of industrialization, urbanization and information technology, the pollution and waste produced by the economic system flows into the environment and grow into social risks. Its evolution has a gradual process and complex mechanism. As the logical starting point of the risk evolution of pollution and waste, the inflow of pollution and waste destroys the balance of the internal structure of the environmental system, and also changes the relationship between the environmental system and the economic system, the environmental system and the social system. The environmental system is a closed cycle in which the pollution and waste accumulated and combined, which is overloaded and transformed into toxins, producing a chain of boomeranging effects. As a key process of pollution and waste evolution, the social system pierces the veil of environmental pollution and waste, revealing the fact and harm of overload. After that, the expansion mechanism and amplification mechanism of social system, expansion anxiety and amplification panic, and the chain causes social disorder or destructive actions. So far, the pollution and waste has gone through the evolutionary route from revenging environmental system to harming social system.

**Key words:** inflows of pollution and waste; boomerang of pollution and waste; piercing veil; amplifying panic

### Construct, Forget and Activate: Media Memory of Public Emergencies (66)

Yang Chao, Zhu Xiaoyang, Jie Qitao

(School of Literature and Journalism, Shangrao Normal University, Shangrao 334000)

**Abstract:** The collection, production and editing of media information are similar to the attention, understanding and memorization of human memory. If media is taken as the extension of human beings, then it is safe to maintain that the media memory enriches the memory of individuals. When public emergencies damage the social order and value systems, the panic memory in the public would be aroused, resulting in group behavior. From the perspective of media memory, this paper discusses the relations between individual memory and media memory about public emergencies, explores how collective memory shapes media memory, analyzes the contents of media memory about social emergencies, and identifies the role and mission of media memory in public emergencies.

**Key words:** public emergencies; media memory; collective memory; responsibility

### The Impacts of Social Cohesion on Floating Population's Life Satisfaction: Evidence from CSS Dataset (73)

Yi Longfei

(Department of Public Administration, Zhejiang Provincial Party School of CPC, Hangzhou 311121)

**Abstract:** The existed research on the life satisfaction of the floating population is mostly carried out from the level of individual life and economic income, while the discussion from the level of social development is relatively rare. Based on the dataset of CSS 2015, the article examines the impact of the six dimensions of social cohesion on the life satisfaction of floating population. It is found that the higher the evaluation of social trust, social tolerance and social equity, the more likely it is to obtain higher life satisfaction; the more experiences experienced by social discrimination, the more acceptance of social marginal group, the more likely to reduce life satisfaction; and their perception of social conflict is not significantly related to life satisfaction. The findings of this study not only provide empirical support for improving the life satisfaction of

## ABSTRACTS

the floating population, but also create a path for promoting the level of social inclusion.

**Key words:** social cohesion; floating population; life satisfaction; social quality

### **“Thought on Enlightenment” in Virtue of the Philosophical Context: From Kant, Foucault to Habermas**

(79)

Hu Junliang

(College of Philosophy, Northwest University, Xi'an 710127)

**Abstract:** The enlightenment thoughts of subjectivity, anti-subjectivity and inter-subjectivity that Kant, Foucault and Habermas respectively developed, which filled the philosophical context generated by the logic of enlightenment discourse. Kant brings together the scientific enlightenment, emotional enlightenment and political enlightenment focused by the pioneers of enlightenment into the philosophical construction with the purpose of rational criticism. It is intended to use rational utility to lay the foundation for the subjectivity of enlightenment discourse. Foucault agrees with Kant's ideological connection between enlightenment and criticism, but he replaces Kant's subjective plan based on his own philosophical position, methods and objectives, in order to dispel the fundamentalism and universalism of the enlightenment discourse, which proclaim eternal truth bankruptcy of human liberation ideals, and the destruction of the myth that man is the subject. Habermas' enlightenment narrative is not only different from Kant's subjective monologue, but also different from Foucault's anti-subjective reversal, and is also different from the radical rational critique of Horkheimer and Adorno. By resetting the inter-subjectivity of the enlightenment coordinates, Habermas aims to eliminate the erroneousness of universalism, overcome the negativity of relativism, walk out of the mud of pessimism, and thus stick to the positive legacy of enlightenment as an unfinished aspiration, and step out of the real dilemma of political frustration and moral nothingness.

**Key words:** enlightenment; Kant; Foucault; Habermas

### **Rebuilding Value Consensus in Age of Relativism ——A Moral Philosophy Interpretation of “Common Value”**

(87)

Zhang Hong<sup>1</sup>, Xiao Huishun<sup>2</sup>

(1.School of Business, 2.School of Marxism, Shaoxing University, Shaoxing 312000)

**Abstract:** In the conceptual history, the biggest obstacle to reach value consensus undoubtedly is from value relativism which supports the point that value is incommensurability and value universalism which considers itself represents “the truth knowledge”. The error of relativism and universalism lies in the absolutization of “relativity”, the unification of “pluralism” and the universalization of “special”. It will result in abandoning the effort to pursue the value consensus, or take the “local knowledge” as “global knowledge” and then spread it, which will inevitably result in “the clash of civilizations”. Only if we are guided by Marx's theory of world history and the community of human destiny, taking “human society” as the starting point, “common interest” can be understood, and “common value” can be also universalized.

**Key words:** relativism; common value; world-historicity

### **Zhejiang Confucianism: From Wang Chong to Ma Yifu: The Characteristics of Zhejiang Confucianism and Its Spiritual Values**

(94)

Wu Guang

(Philosophy Institute of Zhejiang Academy of Social Sciences, Hangzhou 310007)

**Abstract:** This article briefly describes the sequence of development of Zhejiang Confucianism in the long history of more than two thousand years, and from which it extracts the academic characteristics and fundamental spirit of Zhejiang Confucianism, with further discussions on the historical contribution and contemporary value of Zhejiang Confucianism. The author believes that pluralistic tolerance, practical experience, and the ideological transformation from people-oriented and people-friendly to democracy form the three major academic characteristics of Zhejiang Confucianism. The fundamental spirit of Zhejiang Confucianism is prominently expressed in five aspects: the spirit of being realistic and critical, the humanistic spirit of “people-oriented”, the spirit of practical learning described as “practical experience, honest and courage”, the spirit of heroism to “respect for integrity, dares to speak upright”, and the spirit of “education first, talents first” culture and education. The typical ideology of Zhejiang Confucianism is Wang Chong's

pragmatic and critical learning with the aim of “seeking the truth and abandoning falsity”, utilitarianism from Ye Shi presented with the core value of “respecting justice and yet achieving beneficial goals”, Wang Yang-ming’s proposition of “conscience of mind” with a core in “conscience”, Huang Zongxi’s “practice” practical learning of “people being the masters and monarchs are guests” as the core point of view, and Ma Yifu’s modern new classics with “Six Arts(Six Scripts)dominate all knowledge” as the core proposition. Their ideological purposes and academic propositions were not only at the forefront of the time, due to their modernity and universality, they become a good reference for the new era of socialist ideological innovation and practical governance models with Chinese characteristics.

**Key words:** Zhejiang Confucianism; sequence; characteristics; fundamental spirit; contemporary value

### On the Creative Transformation and Innovative Development of Traditional Cultural Classics

(105)

Wang Jianhua, Yu Xiaoqun

(Zhejiang University of Science and Technology, Hangzhou 310023)

**Abstract:** The traditional cultural classics are important parts of the Chinese cultural system, and they are the abundant nourishment for the Chinese nation to vigorousness and development. To achieve the creative transformation and innovative development of cultural classics is the realistic demand of contemporary society, and it is also the reliable guarantee for the eternal vitality of cultural classics. The “Creative transformation, innovative development” of classic books can be developed from the aspects of cultural values, discourse carriers, communication ways and presentation modes. This paper discusses the practical transformation of the latter three parts, including the transformation of classical Chinese into modern Chinese and foreign languages, the transformation of direct quotation and creative narration, and the innovation of presentation modes. The cultural creative innovation activities of the “Creative transformation, innovative development” of culture classics are conducive to promoting the development of cultural undertakings and providing new resources for the cultural industry.

**Key words:** culture classics; innovative development; discourse carriers; communication ways; presentation mode

### A Wailing Song to Whom?

#### —Research on the Ci of Lu You Written on the Wall of Shen Garden

(112)

Bai Xiaoyong

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

**Abstract:** Phoenix Hairpin Ci by Lu You was written for his ex-wife Mrs. Tang on the wall of Shen Garden, according to the records of Song Dynasty. Since the Qing Dynasty, however, many scholars have questioned its authenticity. Recent investigation from the records of Chen Hu, Zhou Mi, and Liu Kezhuang has firmly established a complete chain of evidence, which also could be traced from the prologue to poetry by Lu You. “Willow of the Palace Wall” is a metaphor referring to Mrs. Tang for her marriage with the Zhao clan family, rather than a direct description of any palace walls from Shao Xing city, where Lu You met Mrs. Tang. Previous conclusions about this Ci and its background are therefore validated.

**Key words:** Phoenix Hairpin Ci; Lu You; Shen Garden; willow of the palace wall

### The Emergence of Ownership and Boundary Demarcation in Chinese Southeast Mountain Land before Ming and Qing Dynasties

(117)

Du Zhengzhen

(Department of History, Zhejiang University, Hangzhou 310028)

**Abstract:** The emergence of the boundary is an important step in the history of forest ownership confirmation. From the western Han dynasty, the private occupation of the southeast mountains and forests was declared and recorded by carving stone. The epitaphs of the Tang dynasty and the stone inscriptions of the monastery property marked the mountain land boundary site with “si zhi”. With the exploitation and utilization of forest resources, especially the reclamation and afforestation in mountain areas, people’s knowledge of forest becomes more and more detailed. More and more forest land name and the boundary were created and recorded because of the forest trade and official register for ownership affirmation. The land survey and cadastral registration in Song dynasty accelerated the demarcation and confirmation of the mountain forests



## ABSTRACTS

rights in the southeast, and even some small mountain lands were measured and had a relatively accurate area record. Part of the cadastral documents and civil contracts in the forest boundary information can mutually testify. But in general, the information about mountain was sketchier and inaccurate than that of farmland. This constituted the basic social and institutional background of the dispute of right and boundary in the southeast mountain land after Southern Song dynasty.

**Key words:** southeast China; mountain land; location and boundary; ownership; land survey and cadastral registration

### **From Liberalism to Bernalism: the Transformation of ZHU Kezhen's Understanding about the Development Path of Modern Science in China** (128)

Pan Yixiao, Zhang Li, Xu Weimin

(Department of Philosophy, Zhejiang University, Hangzhou 310028)

**Abstract:** ZHU Kezhen's understanding about the development path of modern science in China has transformed from liberalism to Bernalism. This transformation can be interpreted as a gradual change in the evolution of China's modern scientific culture, rather than a sudden change caused by the founding of the People's Republic of China. With the thought of saving the country by science, Zhu Kezhen has paid high attention to Bernalism since the 1940s and recognized the social function of science to a certain degree. Around the same time as the People's Republic of China was founded, he proactively began to learn about the planning model of science by the former Soviet Union, which led him to gradually realize that Bernalism is the direction for China's science. As China's cause of science developed continuously and Zhu Kezhen deepened his understanding about the Communist Party of China, his attitude towards the science policies issued by the Communist Party of China experienced a process of expectation, recognition, support and implementation. Ultimately, he devoted himself to the development of China's cause of science.

**Key words:** Zhu Kezhen; Bernalism; liberalism; planning science

### **Chen Xunzheng and the Modern Ningbo Education** (135)

Xu Saiying<sup>1</sup>, Tang Xiejun<sup>2</sup>

(1. Faculty of Foreign Languages, 2. College of Humanities and Media, Ningbo University, Ningbo 315211)

**Abstract:** Chen Xunzheng had already promoted the modern education in Ningbo Vernacular Daily before he passed the imperial examination by which he rose to the top social strata. Later, he was invited to take charge of the Yude Agricultural and Industrial School, which was dedicated to the education for people in the lowest social strata. He also assisted Yu Zhaofan, the Magistrate of Ningbo, to vigorously promote the modern style of school. Nevertheless, it is not appropriate to overestimate Chen Xunzheng's contribution to the modern Ningbo education because the Ningbo Technical School and the Buddhist Orphanage were chronically in short of funds and even unsustainable during the period when he was in charge of them. Meanwhile his educational philosophy was incomplete, not systematic and mostly unoriginal.

**Key words:** the modern education; Cixi Incident for ruining the schools; gifted education; cultural conservatism

### **The Research on the Concept that Lucid Waters and Lush Mountains Are Invaluable Assets —Bibliometric Analysis Based on CNKI Database** (143)

Li Ping<sup>1</sup>, Hou Zifeng<sup>2</sup>, Hu Zhigang<sup>3</sup>

(1&3. Library, 2. College of Marxism, Huzhou University, Huzhou 313000)

**Abstract:** The bibliometric analysis used the relevant literatures of research on Xi Jinping's "lucid waters and lush mountains are invaluable assets" in the CNKI Database to discuss the progress of the research, subject and institution, research field and content, research influence, research discipline and category, and research funding of the concept. On this basis, the thesis points out the main characteristics of research on Xi Jinping's "lucid waters and lush mountains are invaluable assets" and the suggestions for future study.

**Key words:** Xi Jinping; lucid waters and lush mountains are invaluable assets; the theory of "two mountains"; bibliometric analysis

责任编辑 王三炼

封面设计：田新

主 管：浙江省社会科学界联合会  
主 办：浙江省社会科学界联合会  
编 辑：《浙江社会科学》编辑部  
出 版：浙江社会科学杂志社  
国内统一刊号：CN33-1149 / C  
国际标准刊号：ISSN1004-2253  
国内发行：浙江省报刊发行局  
国外发行：中国国际图书贸易总公司  
订阅处：全国各地邮局  
国内邮发代号：32-102  
国外发行代号：BM4573  
定 价：18.00元

网 址：<http://www.zjskw.gov.cn>  
投稿网页：<http://www.zjskw.gov.cn/zjshkx/index.jhtml>  
广告经营许可证号：浙工商广发Z-026号  
印 刷：杭州供销印刷有限公司  
出版日期：2020年6月15日  
地 址：浙江省杭州市拱墅区环城北路318号省行政中心2号院  
电 话：0571-87053204  
邮 编：310003

ISSN 1004-2253

