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ABSTRACTS

The Cultural Logic of Distinctive Chinese Path to Modernization

——Study the Spirit of the Sixth Plenary Session of the 19th CPC Central Committee (4)

Dai Yuqi

(School of Marxism, Zhejiang University, Hangzhou 310058)

Abstract: The distinctive Chinese path to modernization, is not adopt to westernization modern development model, or a copy of Marxist classical writer’s conception of socialist construction, but a path of leapfrog development base on the fresh practice of the Chinese people, absorbing the cultural nutrients accumulated through the long struggle of the Chinese nation, and making scientific socialism full of strong vitality. Marxism, as its guiding ideology, is the cultural soul of distinctive Chinese path to modernization. The fine traditional Chinese culture, as an endless source of strength, is the cultural root of distinctive Chinese path to modernization. The spiritual pedigree, as its basic background, is the cultural support of distinctive Chinese path to modernization. Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era, as the essence of Chinese culture and Chinese spiritual era, is a direct ideological weapon of distinctive Chinese path to modernization. The distinctive Chinese path to modernization, a new model of human civilization has been bred by the profound nourishment of unique national culture, and continues to show global significance through its inclusiveness and openness, to contribute Chinese wisdom and Chinese solutions to the all-round and three-dimensional solution to human problems, to prove and optimize the diversified mode of modernization.

Key words: the distinctive Chinese path to modernization; culture; Communist Party of China; civilization form; modernity

Chinese and Western Civilization in the Process of Modernization:

Enlightenment from Huntington (12)

Gao Like

(Department of International Culture, Zhejiang University, Hangzhou 310058)

Abstract: Huntington’s views on modernity and tradition, Modernization and Westernization, Modernization and cultural identity provide us with an enlightening new theoretical framework for rethinking the problem of Chinese and Western civilization in the process of modernization that have plagued Chinese people for more than 100 years in the 21st century. His views on “Modernization is not equal to Westernization” and “Pluralistic Modernity” of non Western society are consistent with the historical experience that modernization goes hand in hand with the revival of local culture in non Western society. In Huntington’s opinion, Westernization is ignorant of the difference between “Modernization” and “Westernization”, and its Westernization route is neither advisable nor feasible. But Reformism, which retains the essence of local culture in the modernization process, has responded dialectically to the issue of civilization progress and cultural identity, and is therefore the only desirable policy of modernization in non Western society. These profound insights, which are consistent with the process of modernization in non Western societies such as East Asia,

have profound enlightenment significance for us to re-examine the thoughts of “Chinese culture in western use”, Westernization and Reformism in the history of modern Chinese thought.

Key words: Huntington; civilization; modernization; westernization; reformism

Human Capital, Technological Progress and Steady Economic Growth:

—Theoretical Mechanism and Empirical Evidence

(24)

Yang Sihan, Tong Menghua

(*School of Economics, Dongbei University of Finance and Economics, Dalian 116025*)

Abstract: This paper establishes a simple two-sector theoretical model and simultaneous equation model and then empirically tests the impact of three matching relationships between human capital and technological progress on economic growth by using panel data of 31 regions, including provinces, autonomous regions and municipalities from 2008 to 2019. In general, the positive economic effect of the matching between applied human capital and technology application is the strongest, followed by the matching between innovative human capital and technology innovation, and the matching between innovative human capital and technology application is ineffective, which is not conducive to steady economic growth. Heterogeneity analysis shows that the economic growth in the eastern and western regions benefits from the effective matching of innovative human capital and technological innovation and the matching of applied human capital and technological application respectively, and the positive economic effect of high innovative human capital is more significant than that of high applied human capital. Mechanism analysis shows that labor cost, total factor productivity, export competitiveness, industrial upgrading and household consumption upgrading have mediating effect and hiding effect, and the strategy of steady economic growth at present stage should give priority to short-term technology application and long-term technology innovation. This paper analyzes the economic effects of effective and ineffective matching between human capital and technological progress and discusses how to balance the matching relationship and promote steady economic growth at present stage. This paper not only enriches the research on human capital and technological progress, but also provides theoretical support and empirical evidence for releasing human capital dividend and rational allocation of social capital.

Key words: human capital; technological progress; technology innovation; technology application; steady economic growth

Can Carbon Emission Rights Trading Affect Enterprise Investment Efficiency?

(39)

Zhang Tao¹, Wu Mengxuan², Zhou Lihong³

(1. *Institute of Low Carbon and Sustainable Development*, 2.3. *Institute of Industrial Economics, Jinan University, Guangzhou 510632*)

Abstract: Carbon emission trading policy is an important policy to achieve carbon peak and carbon neutral strategy in China. Based on the data of China's Shanghai and Shenzhen A-share listed companies, this paper uses the quasi-experiment that companies enter the carbon market in batches and phases to evaluate the impact and mechanism of carbon emission trading policies on corporate investment efficiency. Research finds that carbon emission trading can effectively promote the investment efficiency of enterprises, which is mainly reflected in alleviating the insufficient investment of enterprises, but has a limited impact on over investment. After considering the parallel trend problem and a series of robustness tests, the conclusion is still valid. Further analysis shows that carbon emission trading has a positive impact on enterprise investment efficiency by alleviating enterprise financing constraints, reducing policy burden and promoting enter-

ABSTRACTS

prise technological innovation. Moreover, the effect of carbon emission trading policy on improving enterprise investment efficiency is more obvious in low-carbon emission industries and non-state-owned enterprises. The conclusion of this paper can provide a reference for accelerating the construction of national unified carbon market, and is of great significance for achieve carbon peak and carbon neutral.

Key words: investment efficiency; carbon emission rights trading; carbon market; quasi-experiment research

Data Empowerment and Fairness, Efficiency (48)

Data Empowerment: Internal Logic, Support Condition and Practice Orientation(*Xu Mengzhou*: Department of Business Administration, Party School of Zhejiang Provincial Committee of the C.P.C, Hangzhou 311100); On the Double Helix Structure of Digital Enablement from the Perspective of the “Power-Right” Relationship (*Guo Chunzhen*: School of Law, Xiamen University, Xiamen 361005); Transformation of Government Governance Means in the Digital Age(*Zhang Jiansheng*: Guanghua Law School, Zhejiang University, Hangzhou 310008); Digital Empowerment: Reaching Fairness in Seeking DPE Efficiency(*Qiu Zeqi*: The Center for Sociological Research and Development Studies of China, Peking University, Beijing 100080); Some Considerations of the Role of Government in the Digital Age(*Li Zhehan*: School of Philosophy, Zhejiang University, Hangzhou 310058)

**Interests of Personal Information on Data:
Paradigm Shift from Protection to Governance** (58)

Gao Fuping¹; Yin Lamei²

(1. *Research Center for Data Law*; 2. *School of Intellectual Property Right, East China University of Political Science and Law, Shanghai 200042*)

Abstract: Personal data, as a social resource in the era of Big Data, carries multiple interests, concerning personal interests and the interests of individual stakeholders, as well as the social interests of non-specific entities and national interests. To coordinate the conflict between personal protection and social utilization of personal data resources, and achieve the synergy of interests in personal data, a new theory of personal interest protection in the social utilization of personal data must be constructed. The mode of right protection should be transferred into the conduct regulating mode, centering on governing personal information processing conduct, namely the data governance paradigm.

Key words: data governance; personal information processing; balance of interests; paradigm

**Justice in the Era of Digital Intellectualization:
Complexity and Its Contemporary Guiding Principle** (68)

Wang Haiming

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

Abstract: History shows that there is an internal resonance between justice and social changes. At present, human civilization is undergoing a profound transformation of digital intellectualization. Justice practice has complex overall characteristics. It is not only facing the differentiation in the development direction of the third rational disenchantment of publicity construction-objectification of subject and subjectization of object, but also facing complex problems such as subject imbalance, application imbalance, algorithm injustice, data injustice and so on. The practice of constructing and shaping the rational idea, institution and logic of

contemporary justice needs to adhere to the inclusiveness, consistency and continuity of justice as a whole.

Key words: digital intellectualization; contemporary justice; complexity; guiding principle

**The System of Inheritance Sale in Roman Law Serves As the Basis
of the Four Major Systems of Our Civil Law**

(82)

Xu Guodong

(*Law School, Xiamen University, Xiamen 361005*)

Abstract: The system of inheritance sale in Roman law includes inheritance sale, aleatory sale, creditor's rights sale, litigation rights sale, etc., which are inherited in different ways by the civil code of continental legal system countries. There are the model of reception mainly by sales law adopted by the "French Civil Code", the model of reception by aleatory contract adopted by the Austrian General Civil Code, and the model of reception by succession law adopted by the German Civil Code. When our country inherited the German Civil Law in the late Qing Dynasty, it cut off the content of the inheritance sale, which caused the academic circles in the mainland and Taiwan to be ignorant of the system. Fortunately, the "Macao Civil Code" has provisions on this. As far as mainland China is concerned, the unfavorable result of the ignorance of the system of inheritance sale is denying rights as the object of the buying and selling contract, not recognizing the buying and selling of floating objects, although admitting the concrete aleatory contract but not admitting abstract system of aleatory sale, and not distinguishing the right of litigation sale and enforcing claims sale, etc. By studying the system of inheritance sale in Roman law and its evolution in modern countries, we can establish the systems of inheritance sale, aleatory sale, creditor's rights sale, and litigation rights sale in our civil law, and improve the interpretation to the object sales contract of our country and clarify the boundary between litigation rights sale and the enforcing claims sale.

Key words: inheritance sale; aleatory sale; creditor's rights sale; right of litigation sale

**From Xingming Shiye to An International Law Student—the Early Life of Ruan Xingcun,
the Principal of Zhejiang Private Law and Politics School**

(92)

Li Xiuqing

(*Law School, East China University of Political Science and Law, Shanghai 200042*)

Abstract: Ruan Xingcun(1874–1928), whose courtesy name is Xunbo, was originally from Yuyao, Zhejiang Province, and born in Suining, Jiangsu Province. He passed Xianshi (county-level exam) at the age of 23, and started his staff career the following year. During 6 to 7 years of being in office in a county government north of Jiangsu Province, Ruan Xingcun, a Xingming Shiye (official staff members in charge of justice), mastered the knowledge of the Ta Tsing Leu Lee and experienced the way of the society. In 1905, the Qing government abolished the imperial examination, which changed Ruan Xingcun's life path. He went to study in Japan and entered the second class of the Law and Politics Crash Course for Qing students in Hosei University. He was top-ranked in the examinations among students but failed to get the graduate certificate because he missed the graduation examination due to family affairs. After returning to China, he served as a teacher in Zhejiang Law and Politics School, and then was elected as a member of the Provincial Consultative Council. At the same year, he initiated the establishment of the first private law and politics school in China with Chen Jingdi and Shen Junru, namely Zhejiang Private Law and Politics School. Ruan Xingcun witnessed the whole course of wars, treaty-making, constitution-building and revisions of laws during the Guangxu reign, and also experienced successive reforms since the beginning of the Xuantong reign. From a

Xiucan (a title bestowed on graduates of a certain examination in the imperial examination system), staff member, international law student, to teacher and founder of a law and politics school, his early life was full of richness. From his experience, one can explore the historical transition from tradition to modernity witnessed by a generation of intellectuals born around the beginning of the Guangxu reign, and can also get a glimpse of the social, legal and political changes in the late Qing Dynasty and the early Republic of China.

Key words: Ruan Xingcun; Xingming Shiye; Law and Politics Crash Course; Late Qing Dynasty and the early Republic of China; Zhejiang Private Law and Politics School

“Justice Is the First Virtue of Social Institutions” Revisited

—Conversation with Professor Duan Zhongqiao

(101)

Zhang Guoqing

(College of Philosophy, Zhejiang University, Hangzhou 310058)

Abstract: When we trace the history of Western political philosophy, we may find that “justice is one of the virtues of social institutions” is an ideal with a long history. Plato, Aristotle, Hobbes, Locke, Hume, Adam Smith, and Kant have expounded it respectively. John Rawls has drawn lessons from those previous thoughts, and sublimated into the proposition “justice is the first virtue of social institutions”. I call it FV proposition, a core proposition running through Rawls’s *A Theory of Justice*. Professor Duan Zhongqiao derives three substitution propositions from FV proposition: Proposition A, justice refers to distributive justice involved in the basic social institutions (or main institutions). Proposition B, the main object of justice is the basic social structure. Proposition C, justice requires some equal distribution of all primary social goods, unless an unequal distribution is beneficial to the most disadvantaged. Professor Duan synthesizes these substituted propositions into a new proposition D, distributive justice is a value that existing social institutions must first realize. In the light of demonstrating the absurdity of proposition D, He denies the soundness of FV proposition. However, by analyzing the premises, reasonings, and conclusions of Duan’s argument, I find that those three substitution propositions are not tenable, and D proposition is also not true. They are far from the real meaning contained in FV proposition. Duan’s interpretation of FV proposition has a great misreading. By analyzing the three substitution propositions, and then responding to Duan’s criticism, the exact meaning of FV proposition will be clearly presented. FV proposition not only shows that there are fundamental differences between the conception of justice as fairness and the utilitarian conception of justice, but also shows that there is an important distinction between the conception of justice as fairness and some general conception of justice. Professor Duan confuses them, taking the general conception of justice as Rawls’s conception of justice as fairness. Mastering these two points is not only a key to correctly interpret FV proposition, but also a key to correctly understand Rawls’s justice theory.

Key words: John Rawls; justice; social institutions; first virtue; basic structure

What Is the Meaning of “Justice Is the First Virtue of Social Institutions”?

—Response to Professor Zhang Guoqing

(111)

Duan Zhongqiao

(School of Philosophy, Renmin University of China, Beijing 100872)

Abstract: Prof. Zhang Guoqing’s article, “A Reconsideration of ‘Justice is the first virtue of social institutions,’—A Discussion with Prof. Duan Zhongqiao,” criticizes my understanding of Rawls’ assertion that “justice is the first virtue of social institutions” as containing “several ambiguities” and gives his explanation

of the exact meaning of this assertion. This paper points out that Zhang's criticism and explanation are conceptually unclear and logically confused. They are mostly based on misinterpretation or distortion of my article as well as the relevant discussion in Rawls' Theory of Justice. In response to Zhang's criticisms and interpretations, this paper reiterates my view that justice, according to Rawls, refers to distributive justice related to the basic(or primary) institutions of society, and that the main object of justice is the basic structure of society, i.e., "a way of assigning rights and duties in the basic institutions of society and they define the appropriate distribution of the benefits and burdens of social cooperation". Justice requires the equal distribution of all basic social goods unless an unequal distribution favours the least advantaged; this assertion implies that distributive justice is the virtue that the existing social system must first achieve.

Key words: theory of justice; justice; social institutions; first virtue

The Chinese Paradigm of Comparative Literature and Cultural Self-confidence (123)

Cross-cultural Interpretation and Chinese Literature Going Out(*Li Qingben*: Institute for Arts Education, Hangzhou Normal University, Hangzhou 311121); The Rise of the New Wave of Globalization and the Overseas Dissemination of Chinese Culture (*Wang Ning*: Shanghai Jiao Tong University, Shanghai 200240); The Direction and Path for the Construction of A Chinese Discourse System of Comparative Literature(*Shi Xu*: School of Contemporary Chinese Discourse Studies, Hangzhou Normal University, Hangzhou 311121); Cross-cultural Interpretation and Its Transformation to Cultural Criticism(*Liu Shengpeng*: Center of Critical Theory, ZJUT, Hangzhou 310014); The Influence of Daoism on American Ecological Literature——With the Example of Ursula K. Le Guin's The Left Hand of Darkness(*Li Xueping*: Faculty of Foreign Languages, Beijing Language and Culture University, Beijing 100083)

Historical Status of Southern Song Dynasty and Song Yun Culture (142)

He Zhongli

(*Department of History, Zhejiang University, Hangzhou 310058*)

Abstract: For a long time, Emperor Song Gaozong was regarded as a nauseous villain. People had a low opinion of the Southern Song Dynasty he founded as well. However, Southern Song Dynasty lasted more than 150 years despite fierce and complicated national struggle. As a manifestation of cultural soft power, Song Yun culture is highly recommended for research and inheritance. There is no doubt people had stereotypes of Emperor Song Gaozong and prejudice of the historical status of Southern Song Dynasty. If we evaluate Emperor Song Gaozong based on facts, if we analyze the so called "the political power of Prime Ministers" and "scholars and bureaucrats jointly govern the state", if we conduct a comprehensive study of the dynasty's politics, economy, military, culture and science, we would come to realize that only in Song Dynasty especially in Southern Song Dynasty could such a magnificent Song Yun culture be cultivated.

Key words: Southern Song Dynasty; historical status; Emperor Song Gaozong; Song Yun culture; cultural soft power

Legal Configuration of Digital Society (151)

Zheng Ge

(*KoGuan Law School, Shanghai Jiao Tong University, Shanghai 200030*)

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