



QK2207016

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

2022.2

4	全球价值链嵌入与绿色全要素能源效率	
	——来自中国制造业的证据	张弘媛 丁一兵
14	地方政府隐性债务影响金融风险的空间溢出效应研究 ...	尹李峰 姚 驰

	·法学基本范畴研究：法律规范的逻辑结构·	学术主持人：舒国滢
27	法律规范的逻辑结构：概念辨析与逻辑刻画	舒国滢
42	论法律规范的逻辑结构及相关的元理论问题	陈 锐
51	论法律原则与法律规则的区分：从逻辑结构出发	宋旭光

59	当代中国社会的人际信任特征与建设路径	
	——基于第七波 WVS 数据的实证研究	张 忠
70	人工智能嵌入社会治理的逻辑、风险与政策应对	张 铤
75	项目制帮扶驱动共同富裕：一个分析框架	
	——基于杭州市“联乡结村”帮扶项目的实证研究	胡天祺

84 资产阶级社会中的资本奴役关系透视张一兵

96 马克思对蒲鲁东历史意识的前提批判杨韵韵 刘同舫

103 理论转向与逻辑跃升:马克思社会批判图景的历史性建构付文军

·浙学研究·

111 阳明思想在欧美的传播研究蔡 亮

123 宋代话本与文言小说的共生消长与文学史价值李建军

131 明代作家的空间分布与可视化分析

——以《中国文学家大辞典·明代卷》为例李 菁 徐永明

141 春秋战国之交越国军事地名及军事力量管窥俞志慧

·学术随笔·

151 唐诗之路视域中的贺知章肖瑞峰

155 本期英文提要(ABSTRACTS)

本期执行编辑 徐灵燕

ABSTRACTS

Global Value Chain Embedding and Green Total Factor Energy Efficiency —Evidence from Chinese Manufacturing

(4)

Zhang Hongyuan, Ding Yibing

(School of Economics, Jilin University, Changchun 130012)

Abstract: Based on the data of 17 manufacturing industries from 2001 to 2014, this paper analyzes the different impact of two-way embedding in global value chain on the green total factor energy efficiency of China's manufacturing industry from the perspective of theoretical mechanism and empirical research. The research results show that: First, the embedding of Chinese manufacturing into the global value chain based on backward participation, which has pollution transfer effect and low-end locking effect, will inhibit the improvement of green total factor energy efficiency. Second, the embedding of Chinese manufacturing industry into the global value chain based on forward participation will have a significant U-shaped effect on green total factor energy efficiency with scale efficiency effect, technological progress effect, environmental regulation effect and production transfer effect. Third, the impact of global value chain embedding on green total factor energy efficiency has industry heterogeneity. This research will help Chinese manufacturing industry break through the "low-end lock-in" dilemma as soon as possible, effectively improve the green total factor energy efficiency of China's manufacturing industry, and ultimately realize the "win-win" of economic development and green environmental protection.

Key words: global value chain; green total factor energy efficiency; manufacturing industry; DEA model; super efficiency SBM model

Spatial Spillover Effect of Local Government Implicit Debts on Financial Risks

(14)

Yin Lifeng¹, Yao Chi²

(1. Department of Finance, Xizang Autonomous Region, Lhasa 850008; 2. School of Finance, Renmin University of China, Beijing 100872)

Abstract: Based on theoretical model and empirical analysis, this paper systematically investigates the spatial spillover effect of local government implicit debt on regional financial risks. Firstly, by constructing a theoretical framework where financial institutions are served as the core link of capital allocation and risk transmission, this paper finds that the expansion of local government debt not only leads to the rise of local financial risks, through the crowding out effect of enterprise credit as well as the influence on the risk preference for asset portfolios of financial institutions, but also produces spatial spillover effect through the allocation of financial resources and competitive effects between regions, resulting in the rise of financial risk level in neighboring areas. Secondly, based on the provincial panel data of China during the period from 2012 to 2018, this paper empirically examines the spatial spillover effect of local government implicit debt on regional financial risks. The empirical results show that: (1) the implicit debt of local government has a significant positive direct effect on local financial risks, that is, the expansion of local government implicit debt will lead to the rise of the financial risks; (2) the implicit debt of local government has a significant positive indirect effect on financial risks, that is, the implicit debt of local government will generate spillover effect on the adjacent areas, leading to the rise of financial risks in the adjacent areas; (3) the direct effect of local government implicit debt on local financial risks is more pronounced in the boom years than that in the bust years. On the contrary, the indirect effect of local government implicit debt on financial risks is

ABSTRACTS

greater in the bust years than that in the boom years; (4) the indirect effect of local government implicit debt on financial risks is more pronounced in coastal areas while the direct effect is more significant in the inland provinces.

Key words: local government implicit debts; financial risk; spatial spillover effect

The Logical Structure of Legal Norms: Conceptual Analysis and Logical Characterization (27)

Shu Guoying

(*Law School, China University of Political Science and Law, Beijing 100088*)

Abstract: In his 1887 book *General Theory of Law*, Nikolai Mikhailovich Korkunov, a jurist in the period of Russian Empire, devoted a special section to the topic of the structure of legal norms. His theory was later transformed into the “Three-Elements Doctrine” by the Soviet legal circle, which has been dominant in Chinese legal academia. However, in Chinese legal circle, there is a lack of understanding of the theoretical pedigree of the “Three-Elements Doctrine” about the structure of legal norms, and there is no valuable theoretical analysis of the key concepts involved. On the basis of sorting out relevant concepts (such as “legal norms”, “legal rules”, “the rules of conduct” and “the rules of judgment,” etc.), this paper proposes that a complete legal rule should include four elements in a logical sense: namely, “behavior conditions”, “behavior command”, “Tatbestand (operative facts)” and “legal consequence”, between the four elements to build a structure mode of two kinds of rules (the rules of conduct and the rules of judgment), and logically characterize the six expressions of connecting the key elements of legal rules.

Key words: hypothetical conditionals; Korkunov; deontic logic; the rules of judgment; tatbestand

On the Logical Structure of Legal Norms and Related Meta-Theoretical Problems (42)

Chen Rui

(*Law School, Chongqing University, Chongqing 400030*)

Abstract: The logical structure of legal norms is a very basic jurisprudence question. Most scholars believe that the logical structure of legal norms is conditional, and its antecedent is composed of “behavior mode” and its seccedentis acted by “consequence mode”. But in fact, the structure of legal norms is not just a hypothetical, it also includes universal proposition. A complete legal norms are usually consists of two parts: one is universal norm which stipulates a kind of primary obligations, the second is hypothetical norm which specifies the secondly obligation, so its logical form is usually characterized by “universal + hypothetical” form. There derived some meta-theoretical questions from the logical structure of legal norms, such as: do legal norms have true or false values? If Legal norms have no true or false value, how to use logical methods to analyze them? In order to avoid “Jorgensen’s dilemma”, it is better to replace “logical structure of legal norms” with “logical structure of the proposition of legal norms”. By analyzing the logical structure of the proposition of legal norms, it is found that some legal maxims, such as “All which are not forbidden by law are permitted” and “Ought implies can” (i.e. “Lex non cogit and impossibilia; Lex neminem cogit ad impossibilia”), are not always correct. All in all, although closed, static and formalized normative logical system can reveal some characteristics of legal normative system to a certain extent, it is still quite different from open, dynamic and realistic legal normative system.

Key words: the logical structure of legal norms; hypothetical proposition of norm; universal proposition of norm; Jørgensen’s Dilemma; Kant’s Principle

Logical Structure as A Criteria for the Distinction between Legal Rules and Principles (51)

Song Xuguang

(*Law School, Shenzhen University, Shenzhen 518073*)

Abstract: Whether there exists independently a category of legal norm from legal rules, namely legal

principles, is the key to the success of principle theory. Many jurists regard logical structure as an important criterion for distinguishing rules from principles, but seldom give a detailed analysis. Most of the existing discussions in Chinese academic circles focus on the logical structure of legal rules, but few on legal principles. According to a pragmatic perception of legal norms, the rules and principles as the meaning of the norm-sentences, derive from the practice of their use and is determined by their role in legal reasoning. So the difference in logical structure between rules and principles is also related to the way we use them to reason. This difference is not primarily a matter of form of logical formulation, but of substance that serves the purpose of correct legal reasoning.

Key words: legal principles; legal rules; logical structure; difference in quality; logical distinction

The Characteristics and Construction Path of Interpersonal Trust in Contemporary Chinese Society —An Empirical Study Based on China Data from the 7th Wave of World Value Survey (59)

Zhang Zhong

(School of Physical Education and Humanities, Nanjing Sport Institute, Nanjing 210014)

Abstract: “The pattern of difference sequence” of interpersonal communication in Chinese society determines that the study of interpersonal trust in Chinese society should not adopt the theoretical framework of the binary opposition of “particularistic trust” and “universalistic trust” in the west, but should adopt the research perspective of the continuum reflecting Chinese academic tradition. Based on the continuum perspective of trust, this study draws the following conclusions by analyzing the mainland China data(2018)from the 7th wave of World Value Survey(WVS) released in 2020:1. The interpersonal trust in contemporary Chinese society still shows the pattern of difference sequence “from families to acquaintances to strangers”, that is, the level of trust in families is extremely high, trust in acquaintances is higher, and trust in strangers is still very low; and there is no significant difference in the level of trust in strangers between the 7th (2018) and 6th(2012) of wave WVS data. 2. In contemporary Chinese society, interpersonal trust is characterized by an obvious “continuum” rather than a simple binary opposition. Although trust in families has no significant influence on trust in strangers, it has a significant influence on trust in acquaintances, and trust in acquaintances has a significant influence on trust in strangers. The results show that the level of trust in strangers in Chinese society is still very low, and there is still a long way to go to build interpersonal trust. However, due to the significant influence of trust in acquaintances on trust in strangers, the reconstruction of acquaintances’ society should be one of the important reference paths for the construction of interpersonal trust in contemporary Chinese society.

Key words: Chinese society; interpersonal trust; trust continuum; construction path

Logic, Risk and Policy Response of Artificial Intelligence Embedded in Social Governance (70)

Zhang Ting

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

Abstract: As a governance technology, the embedding of artificial intelligence leads to the transformation of social governance logic. Artificial intelligence embedded in social governance not only enables social governance, but also brings risks such as technical uncertainty, role substitution of governance subject, value imbalance in governance process and fuzzy boundary of governance responsibility. In this regard, whether the path of “permissionless regulation” or “prudent regulation” adopted by relevant public policies of various countries has merit, it is biased to be limited to the two-dimensional choice of “innovation” and “safety”. This paper proposes to build a comprehensive public policy framework in order to establish an institutional cornerstone to avoid the application risk of artificial intelligence and promote the sustainable development of artificial intelligence.

Key words: artificial intelligence; social governance; risk; algorithm

**Mechanisms for Project-based Assistance to Promote Common Prosperity:
An Analytical Framework——Based on the Empirical Study of Project
of Contact & Support Rural (PCSR) in Hangzhou** (75)

Hu Tianzhen

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

Abstract: Project-based assistance is an essential approach for the Communist Party of China and Chinese Government to solve the problems of unbalanced and insufficient development between urban and rural areas in the new era, and is also a key measure to achieve the requirement of common prosperity. Project-based assistance has many forms. As an extension and breakthrough of the traditional bureaucracy, the effect of the project system depends on the balance between government's institutional control capacity and policy mobilization capacity. The degree differences between the two capacities form four different operation modes. In these modes, the "strong institutional control-strong policy mobilization" is the optimal strategy to realize the effective operation of project-based assistance. In the process of assistance of the PCSR in Hangzhou, the government's institutional control capacity has been strengthened through vertical penetration, horizontal coordination, innovation of financial system and "double-direction acceptance"; meanwhile, the government's policy mobilization capacity has been strengthened through aggregative mobilization, participatory mobilization and emotional mobilization, and consequently explores a feasible scheme to achieve the target of common prosperity with project-based assistance.

Key words: project-based assistance; institutional control capacity; policy mobilization capacity; Common Prosperity; Hangzhou

The Perspective of Capital Slavery Relations in Bourgeois Society (84)

Zhang Yibing

(Department of Philosophy, Nanjing University, Nanjing 210023)

Abstract: In the eyes of Marx, the unique existence of social relations gestalt in human society is a special way of material existence. The concepts and categories in the social life under certain historical conditions are necessarily related to the formation of material relations of production in a specific time. Moreover, he further points this material relationship to the economic relationship appearing in the economic and social form. Bourgeois economists disguise the bourgeois relations of production in the historical time as natural and eternal laws of nature, which is an essential concealment of the historicity of the bourgeois mode of production by bourgeois ideology.

Key words: Marx; Letter to Annenkov; Poverty of Philosophy; bourgeois society; relations of production

Marx's Premise Critique on Proudhon's Historical Consciousness (96)

Yang Yunyun, Liu Tongfang

(School of Marxism, Zhejiang University, Hangzhou 310058)

Abstract: Marx criticizes Proudhon's theoretical presupposition of "bourgeois bourgeois" and "transcendental God", thus revealing the premise error of Proudhon's historical consciousness. Proudhon completed his exploration of historical law in questioning the legitimacy of ownership and rebuilding political economy, and thus formed a certain historical consciousness. However, he attributed the law of history to the logical deduction of some ideas, so he could not put forward a feasible plan to change ownership and construct the future social form. Marx identify the Proudhon's historical consciousness is rooted in "petty bourgeois" narrow self-interest, delicate, the fundamental purpose is to defend the "petty bourgeois" personal property and personal interests, so his theory not only can't will human society towards the bright future of future, might even be tempted to people back to the middle ages. Marx criticized that Proudhon could not understand and grasp the objective fact that "realistic man" created human history in the process of material practice and

production, and could only appeal to the historical law of “transcendental God” as a “fake Hegelian term”, thus falling into the mire of idealism and metaphysics.

Key words: Marx; Proudhon; historical consciousness; premise critique

Theoretical Turn and Logical Leap:

The Historical Construction of Marx's Scenario of Social Criticism

(103)

Fu Wenjun

(*School of Marxism, Zhejiang University, Hangzhou 310058*)

Abstract: Marx is an outstanding social critic. Through the theoretical examination and realistic recognition of capitalist society, Marx launched a substantive critique of capitalism. However, this scientific critique was not accomplished in a day. It had a process of logical leap. From the period of “*Rheinische Zeitung*” to “*Paris Manuscripts*”, Marx faced the realistic problems of material interests and launched a humanistic criticism of society. From “*The German Ideology*” to “*The Poverty of Philosophy*”, Marx used the division of labor and ownership as the grip and made a principled analysis of the society. From “*The Communist Manifesto*” to “*Das Kapital*”, Marx focused on the relationship between labor and capital and carried out a comprehensive anatomy of society. Marx's critique of capitalist society is no longer a single moral condemnation, but a “pathological anatomy” that goes deep into the capitalist mode of production. In the 21st century, Marx's social criticism is still the guiding ideology of social critique and revolution. Contemporary Marxists should continue Marx's critical tradition, face up to the realistic problems and respond to the questions of the times.

Key words: Marx; social criticism; historical materialism; logical leap; labor and capital

Study on the Dissemination of Yang-ming Philosophy in Europe and North America

(111)

Cai Liang

(*NingboTech University, Ningbo 315100*)

Abstract: The oversea dissemination of Yang-ming Philosophy constituted a significant chapter in the history of Sino-foreign cultural exchanges. In the trend of “Eastern Doctrine Permeating the Western Scholarship”, traced back to Late Ming and Early Qing period, Yang-ming Philosophy, together with brilliant Chinese culture, was propagated into Europe, transformed into spiritual strength and source for European Enlightenment. During the past 500 years, the oversea dissemination of Yang-ming Philosophy in Europe and North America has been defined by two major features, the multistage in dissemination history and the integration in dissemination path.

Key words: Yang-ming Philosophy; Europe and North America; dissemination; Zhe Study; international Yang-ming Study

The Symbiotic Growth and Decline of Vernacular and Classical Chinese Novels in Song Dynasty and the Value of Literary History

(123)

Li Jianjun

(*College of Humanities, Taizhou University, Linhai 317000*)

Abstract: The vernacular and classical Chinese novels in the Song Dynasty not only diverge from each other, but also meet locally. They not only rely on each other, but also growth and decline with each other. They are the symbiotic model of the meeting between elegance and vulgarity in the history of literature. The basis of symbiosis stems from their different and adjacent narrative types—scholar narrative and citizen narrative. The symbiotic environment is the two-way interaction between citizen culture and scholar culture. Symbiosis mechanism is the two-way penetration of narrative concepts, the two-way adaptation of narrative themes and the two-way reference of narrative techniques. The Symbiotic form is the formation of some new styles of novel. The symbiotic context roughly experienced four stages: the independence period, the contact

ABSTRACTS

period, the interaction period and the growth and decline period. The symbiosis between vernacular and classical Chinese novels in the Song Dynasty promoted the focus of novels from “characters” to “stories”, “implication” to “interest”, promoted the narrative concept from “practical use” to “pastime”, “realistic” to “illusion”, promoted the major transition from elegance to vulgarity, and laid the conceptual cornerstone and stylistic foundation for the prosperity of early modern narrative literature.

Key words: classical Chinese and vernacular coexist; elegant and vulgar symbiosis; scholar narrative; citizen narrative; heterogeneity and complementarity

Spatial Distribution and Visual Analysis of Writers in Ming Dynasty (131)

Li Jing¹, Xu YongMing²

(1. *School of Literature and Law, Jiaxing University, Jiaxing 314001*; 2. *College of Humanities, Zhejiang University, Hangzhou 310058*)

Abstract: The big dictionary of Chinese writers edited by Li Shiren, volume of Ming Dynasty, includes 3046 writers, among whom 2945 are of definite native place, and 56 writers are of unknown or vague native place. Through the statistics of big data technology and visualization of spatial graphics, it is found that Ming Dynasty writers are mainly distributed in Zhejiang, Jiangsu, Jiangxi and Fujian in the middle and lower reaches of the Yangtze River, while northern writers are mainly concentrated in Shandong, Henan, Shanxi, Hebei and Beijing. From the geographical distribution of the author's native place, Suzhou, Changzhou, Jiaxing, Ningbo and Fuzhou rank in the top four, reflecting the author's tendency to gather around the south-east china. Compared with the native places of the writers included in biographies of the collection of poems of the Liechao and the collection of poems of the Ming Dynasty, we can find that the collection in the dictionary of Chinese writers (volume of the Ming Dynasty) pays more attention to the coordination of the development of the northern and southern literature, and widely includes the northern writers and the Patriotism writers of the former dynasty.

Key words: big data; Ming dynasty; geographical distribution of writers; visualization

On the Geographic Names and Military Strength of the Yue State at the Turn of the Spring and Autumn Period and the Warring States Period (141)

Yu Zhihui

(*College of Humanities, Shaoxing University, Shaoxing 312000*)

Abstract: This paper verifies the current locations of over 40 military geographic names at the turn of the Spring and Autumn Period and the Warring States Period through field investigations and document analysis. It draws the different territories and boundaries during the periods of Yun Chang's rule, Gou Jian's defeat and his release from the Wu State. The author thinks that boundaries of Yue State were steady in different periods especially the northern boundaries. This paper examines the three iconic battles between the Wu State and the Yue State for hegemony, the battle of Zuili which ended up with King of Wu Helü's defeat, the battle of Guxiongyi which was the first battle after ten years of growing in numbers and wealth of the Yue State and the decisive battle of Lize which resulted in the falling of the Wu State. The author verifies the battlefield places of Zuili and Guxiongyi and meanwhile concludes that the military men of the Yue State were no less than 49,000 in 482 BC, and the number increased greatly in 473 BC when the Wu State perished.

Key words: military geographic names; boundary; military scale

He Zhizhang in the Vision of The Tang Poetry Road (151)

Xiao Ruifeng

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

责任编辑 王三炼

封面设计：田昕

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.zjsh.cbpt.cnki.net>
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：2022年2月15日
地 址：杭州市拱墅区密渡桥路51-1号省行政中心二号院
电 话：0571-87053204
邮 编：310003

ISSN 1004-2253

