

Intellectual Constellations

(1980-2008)

谷 李/著

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总 序

西南政法大学新闻传播学院是重庆市第一所经教育部正式批准建设的新闻学院, 筹建于1994年,1995年开始面向全国招生。

学院在办学之初提出了"主新辅法"的培养模式,形成新闻学和法学相结合的独特学科交叉优势,并整合了法学、哲学、文学、管理学等学科资源,形成"媒介视野、法律正义、社会责任"三者并重的办学特色。

学院 2010 年更名为"全球新闻与传播学院",这是学院保持发展法制新闻特色办学 15 年之后的一次理性拓展,力求充分整合国际国内优势资源,培养具有全球视野的新闻与传播人才。

2015年是学院成立二十周年,为总结我院办学经验,醇化学术氛围,提升学术影响力,从2014年起,我院陆续向社会呈献西南政法大学"新闻传播学系列丛书"。

第一套丛书共 11 部作品,已经于 2014 年 5 月由法律出版社出版。这 11 部作品分别为:《新闻侵害人格权研究》(蒙晓阳教授著)、《中国电视娱乐文化批评》(李林容教授著)、《法律的电视虚构生产——中国当代法律题材电视剧研究》(陈笑春教授著)、《1903 年:上海苏报案与清末司法转型》(蔡斐副教授著)、《中国出版物版权输出竞争策略研究》(裴永刚副教授著)、《媒体是信任危机的帮凶吗?》(郭晓科副教授著)、《关于"家"的想象与叙述: 20 世纪 90 年代以来家庭伦理电视剧的叙事文化研究》(贺艳副教授著)、《三峡工程纪实影像传播史》(郑微波副教授著)、《重庆都市报发展史》(赵文丹副教授著)、《一峡工程纪实影像传播史》(郑微波副教授著)、《重庆都市报发展史》(赵文丹副教授著)、讲师所著的《关注热点:特定议题新闻报道研究》(陈丽丹副教授著)、《地理影响与文化表征——重庆电视纪录片研究》(周松博士著)。

这 11 部作品分别代表了我院教师,尤其是青年教师在新闻与法治研究、国际新闻

研究、影视与新媒体研究、政治传播研究等四个研究方向的代表性成果,也是我院新生代学术实力的一次整体亮相。

即将面世的这套丛书共15本,是我院面向社会推出的第二套丛书。该套丛书的作者主要以我院的青年博士为主,也是我院青年教师在新闻与法治研究、国际新闻研究、影视与新媒体研究、政治传播研究等四个研究方向所取得的最新成果。

李珮教授等所著的《网络环境下突发事件传播与管理研究》,旨在通过对我国网络环境下突发事件案例的剖解、反思,以及引入政治经济学、社会心理学等学科的研究方法,从系统论视角出发,勾勒突发事件在网络环境下的"异化"以及不同诉求传播主体间的博弈、妥协与共谋。根据网络环境下突发性事件发展的新形势,提出"网络舆情事件"的概念,并据此指出相应管理制度的缺失和法制建设的盲区。在此基础上,深度思辨突发事件政府应急管理陷入的误区,并尝试在"中国特色"框架之下给出网络环境下加强突发事件管理的对策建议。

陈笑春教授所著的《影视作品里的中国法治》,主要以法治题材的电影电视作品探讨了虚构的影视作品对于现实法治进程的再现及其社会语境。该书以法治题材影视作品发展的滥觞、发轫、兴起、多元和转型这五个时期为分野,每一个部分中选取了具有典型意义的影视作品进行具体分析。影视作品对个体生活的再现,令法治领域与其他社会领域之间的关系在微观故事中变得具体而多样,诠释了法治内涵的现实性和丰富性。

贺艳副教授所著的《媒介表征与城市形象:以重庆为例》以重庆为研究个案,从较为宽泛的媒介界定出发,试图探讨以下问题:在文学作品、报纸、电视、电影、网络等多种媒介所传播的内容之中,重庆呈现为怎样的形象?重庆的这些形象又是怎样被建构的?媒介所呈现的重庆形象还存在着哪些问题?

蔡斐副教授所著的《戈公振新闻思想研究》,以中国新闻传播史奠基人戈公振先生为研究对象,以历史的眼光和翔实的史料剖析了戈公振新闻本位、新闻法制、新闻教育、自由主义、新闻编辑、媒体经管等新闻思想的各个维度,全面展示了戈公振新闻思想的丰富内涵和时代特征。

谷李副教授所著的 Intellectual Constellations (1980—2008),提出文学、电影文本和文化经济政策及其讨论、批评作为知识分子聚集并集中表达和建构自身与世界关系的

序

场域。通过对上世纪80年代初到21世纪初的个案分析,该书勾勒出一种可称之为后社会主义情感结构的现象的一些侧面。

杨婷副教授所著的 Effects of SNS Uses on International Students' Socialization: Focusing on Chinese Students In Korea,研究了在韩中国留学生的社会化状况。分成两个阶段,第一阶段为定量研究阶段,通过自填式问卷调查,对社会化结果(包括学习动机、社会融入程度等六个变量)以及社交媒体的使用对于各个变量产生的影响进行了调查;在第二个阶段,运用深层访问法,分三个阶段(期盼阶段、遭遇阶段、习得与改变阶段)对被访者的社会化状况进行了分析。

刘娟副教授所著的《疫病防治与健康传播:重庆的天花灭绝实践(1891—1952)》,在挖掘大量民国时期原始材料的基础上,从阶级基础、社会组织、文化建构及行为模式等方面,以19世纪以来天花防治为背景,截取重庆开埠直至宣告天花灭绝为时间切片(1891—1952),描述牛痘接种的信息从传播到扩散,最终改变民众防疫行为的过程。本研究的价值在于以历史的视角拓展了"创新扩散理论"在健康传播中的运用,认为阶级基础是重庆乃至全国在解放后后迅速扑灭以天花为代表的烈性传染病的重要原因,以期为当下疫病防控提供本土经验。

屈永刚博士所著的《儒家政治正当性观念发展研究——从孔子到董仲舒》,以西汉初期之前儒家政治正当性观念为研究对象,以孔、孟、荀正当性观念为基点,上溯殷周时期,下及西汉初期(以董仲舒为代表),对西汉初期以前儒家政治正当性观念的渊源和发展作出了系统的梳理。

赵莹博士所著的《我国民间商事借贷立法研究》,基于民间借贷的商法属性探讨其立法体系的构建,认为在我国应建立规范民间商事借贷的统一立法。

刘大明博士所著的《宋代新闻传播与政治文化研究》,主要介绍了近代中国新闻教育史发展的某些规律和特征,重点阐述了北洋政府时期新闻教育事业的发轫、南京国民政府前十年时期、抗战时期战时新闻教育事业和两极问鼎时期新闻教育事业的发展状况。

申可君博士所著的《城市社区居民参与机制研究》,试图通过分析居民参与要素的新特点,构建一套有效促进居民参与社区建设的六个二级参与机制,并剖析该机制的形成、分类及其影响因素。同时,提出推动居民参与机制运行的保障条件,以期能助力

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基层政府摆脱长久以来居民参与不足的困境。

廖宇翃博士所著的《大众传媒对城乡统筹发展的作用研究》从经济学、管理学和传播学相结合的新角度研究了城乡二元结构和城乡统筹发展的问题,通过实证研究发现了知识和信息在城乡之间的不均衡分布是城乡差异的基本原因,提出了缩小城乡差异的新途径是改变知识和信息在城乡之间的供需失衡状态。

刘必华博士所著的《转型社会中的大众传媒与公共利益》提出当代中国社会转型的复杂性与矛盾冲突的尖锐性,要求建立以公共利益为基本取向的传媒体系。该书从体制、话语与实践三个层面考察了中国传媒服务于公共利益的表现,并从传媒治理、职业道德和受众参与等方面提出了建议。

任正安讲师所著的《走出现代的尴尬——边缘民族传统文化与现代传播的土家族 样本》观察了在新传播环境下西部少数民族地区社会沟通与媒介使用现状与变迁,将 文化传播和媒介教育相结合,以少数民族媒介素养教育为出发点,探讨如何更好地在 少数民族集中的西南地区提升媒介教育,进而提高其媒介素养,传播本民族文化,以对 传受双方及其与社会文化环境的多元互动的高度重视探索传播效果的有效提升。

徐金讲师所著的《解码与编码——广告创意实务》旨在运用符号学和结构学视角对经典广告进行分解,寻找出独特可行的广告创作思路,总结出广告思维及创作规律,并通过广告创作实例展示广告创意及创作方法的运用。

这套丛书集中体现了西南政法大学新闻传播学的传承和创新,也是我院新生代学 术实力的再一次整体亮相。

甲戌年间建经纬, 荏苒岁月二十载。

日钟两江之灵秀,月沐法府之鸿光。

法治新闻创特色,全球视野开新章。

心系天下得清誉,五湖九州望徜徉。

我们真诚地期待着学术界对我院新闻传播学系列丛书提出宝贵的意见和建议。是为序。

李珮

DEDICATION

То

Sui Gu, Zhizhong Li, and their generation

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The exploration reflected in this dissertation has been enabled by a confluence of the intellectual encounters that have touched me throughout my graduate career. I wish to thank Radhika Gajjala, Bettina Heinz, and Wenshu Lee for their guidance and friendship and for showing me the kind of scholarship that I have since come to pursue. Donal Carbaugh sharpened my sensibility toward speech performance. Paula Chakravartty introduced me to the topics of cultural policy and intellectual property rights. Henry Geddes's work is exemplary of a globally inclusive research perspective. Lisa Henderson awakened me to class cultures as an immensely meaningful topic of inquiry, and her expressive scholarship has been inspiring as a seamless articulation between fine personal sensitivity and critical public intervention. My passion for film has been renewed and strengthened with Carolyn Anderson. Starting with David Kotz, my interest in political economy has sprouted and grown. Throughout, Briankle Chang has been more than a tireless mentor. Constantly pushing back my intellectual horizon, his intellectual curiosity and depth of work I always admire and aspire to emulate.

Many ideas explored in this dissertation were conceived over readings and discussions with my friends and colleagues of China Study Club, Yicen Cao, Ying Chen, An Li, Ningyu Li, Zhongjin Li, Zixu Liu, Zhaochang Peng, Hao Qi, Shuang Wu, Zhun Xu, Kai Yu, and Xi Yu.

Thanks to Xu Xiaodong for his generous help with my fieldwork and to my in-

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terview subjects for their support.

As my committee members, Briankle Chang, Henry Geddes, and David Kotz have been my strong support at every stage of the project. Their insightful comments and suggestions have made this dissertation much stronger than it used to be. Special thanks to Carolyn Anderson for reading part of the manuscript and offering extensive feedback. I alone am responsible for the overall picture and the errors and mistakes that remain.

My extended graduate career at the University of Massachusetts, Amherst, would have been much more difficult without the support of my department chairs and graduate program directors. I am thankful to Carolyn Anderson, Donal Carbaugh, Brainkle Chang, Leda Cooks, Jarice Hanson, Lisa Henderson, Sut Jhally, and Michael Morgan for their continuous support.

Bearing with me through the ordeal have been my family. I am grateful to Zhiying, Zhizhong, Dongtai, Ning, and Jitong for their indefatigable counseling, spurring, and cheering. Thanks to Qun, Leona, and David for sticking with me.

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CHAPTER 1 INTRODUCTION

1.1 China and Intellectual Property

1.1.1 Domestication

On January 9th, 2006, the Fifth National Science and Technology Congress of the People's Republic of China was held in Beijing. At this televised and live broadcast event, President Hu Jintao delivered a speech titled "Forge Ahead on the Path with Chinese Characteristics of Autonomous Innovation, and Strive Toward the Building of an Innovative Country". ("Zou Zhongguo tese zizhu chuangxin daolu, wei jianshe chuangxinxing guojia er fendou") The key word of this speech is unmistakably innovation (chuangxin)—it occurred 133 times in this text of 9235 characters. However, it is a particular kind of innovation that is being promulgated, namely "autonomous innovation". The term "autonomous" (zizhu) appeared 39 times throughout the speech, and, apart from "innovation", it was also combined with "intellectual property rights" and "well-known name brand", hence the coinage of neologisms such as "autonomous intellectual property rights" and "autonomous well-known name brand". The key message of these new catch phrases is that, whereas "innovation" in itself is supposed to solve a slew of problems confronting today's

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China, it has to be accompanied by "autonomy", which, understood as self-control over the undertaking of innovation, would guarantee China's access to and appropriation of the new developments.

This desired state of autonomy, a state of self-determination and self-sufficiency, however, is fraught with paradoxes. The emphasis on "autonomous innovation" would be unnecessary in a world where innovations are free for access and appropriation. In Hu's urge toward "autonomy", one can recognize the anxiety of China caught in a world and era not of its own making, an era in which the world remains fragmented with peoples and countries divided by property relationships, an era in which market price of innovation is high while "Made in China" is assigned to the lower end of a global chain of values that, in its turn, is beyond China's control. In this regard, then, China's path toward autonomous innovation that Hu's speech delineated seems quite un-innovative as it is hardly distinguishable from obeying the established rule in the global market. That intellectual property-calculated as a strategic tool in this project toward autonomy-happens to be one of the key links of the post-industrial chain of values that currently dominates the world market is no accident, although it does appear to be a paradoxical figure: While intellectual property is supposed to give China greater freedom by raising it above outside control, it also marks the deepening of the outside world's penetration into China.

1.1.2 Penetration

According to legal scholar William Alford (1995), the pre-modern China was "a culture of piracy", a culture where cultural artifacts are highly regarded but rarely exploited as capital. With its distinctly hegemonic norms and values, this "culture of piracy" may explain why dynastic China did not see the rise of a Chinese counterpart to Western "intellectual property" as a legal category, and would have called into question the legitimacy of the underlying principles of the latter. However, when China's resistance in mid-19th century against Western imperialists was defeated, it