



中南财经政法大学学术文库

中国：市场失灵 与政府规制研究

CHINA: THE STUDY OF MARKET FAILURE AND GOVERNMENTAL REGULATION

程启智 著

 中国财政经济出版社

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序

一个没有思想活动和缺乏学术氛围的大学校园，哪怕它在物质上再美丽、再现代，在精神上也是荒凉、冷清和贫瘠的。欧洲历史上最早的大学就是源于学术。大学与学术的关联不仅体现在字面上，更重要的是，思想与学术，可谓大学的生命力与活力之源。

我校是一所学术气氛浓郁的财经政法高等学府。范文澜、嵇文甫、潘梓年、马哲民等一代学术宗师播撒的学术火种，五十多年来一代代薪火相传。因此，在世纪之交，在合并组建新校而揭开学校发展新的历史篇章的时候，学校确立“学术兴校，科研强校”的发展战略。这不仅是对学校五十多年学术文化与学术传统的历史性传承，而且将成为谱写新世纪学校发展新篇章的战略性手笔。

“学术兴校，科研强校”的“兴”与“强”，是奋斗目标，更是奋斗过程。我们是目的论与过程论的统一论者。我们将对宏伟目标的追求过程寓于脚踏实地的奋斗过程之中。由学校斥资资助出版《中南财经政法大学学术文库》，就是学校采取的具体举措之一。

本文库的指导思想或学术旨趣,首先在于推出学术精品。通过资助出版学术精品,形成精品学术成果的园地,培育精品意识和精品氛围,提高学术成果的质量和水平,为繁荣国家财经、政法、管理以及人文科学研究,解决党和国家面临的重大经济、社会问题,作出我校应有的贡献。其次,培养学术队伍,特别是通过对一批处在“成长期”的中青年学术骨干的成果予以资助推出,促进学术梯队的建设,提高学术队伍的实力与水平。第三,培育学术特色。通过资助在学术思想、学术方法以及学术见解等方面有独到和创新之处的成果,培育科研特色,力争通过努力,形成有我校特色的学术流派与学术思想体系。因此,本文库重点面向中青年,重点面向精品,重点面向原创性学术专著。

春华秋实。让我们共同来精心耕种文库这块学术园地,让学术果实挂满枝头,让思想之花满园飘香。



2001年11月28日

China: the Study of Market Failure and Governmental Regulation (Abstract)

This study is made up of ten chapters, which can be divided into five parts. The first part, namely, introduction, reviews and summarizes the general theories and experience of the relationships between the nation and market and between the government and enterprises, analyzes the relationship between the two kinds of transformations in China, and demarcates the basic concepts and construction arrangements in this study. The second part classifies and studies the current theories of market failure and regulation, puts forward the author's viewpoints that make a theoretical basis and offer methods for the following positive analysis. The third part, the focus of this study, consists of six chapters, which makes positive analysis of the features, manifestation and origins of market failure and governmental regulations since reform and opening so as to offer some policy suggestions concerning system reform of regulation in China. The forth part introduces the regulation systems in developed countries of market economy, from which useful lessons can be drawn for China. The last part discusses system reform of China's governmental regulation and puts forward some policy suggestions of this study, which contains the following important viewpoints:

1. *As for the relationship between nation and market, we hold that the most important source of momentum for economic development in a country or an area comes from nongovernmental domain but not the government. However, the efficient exertion of nongovernmental momentum for economic development cannot go without the governmental functions in protecting property right, maintaining the stability of the macro-economy, offering public goods with positive externalities, perfecting market order and promoting market competition, the exertion of which also presuppose an honest and efficient governmental system and organization.*

2. *One important theoretical innovation of this study is to analyze market failure of internality by means of property right, but not traditional theories of asymmetric information, on the basis of which we try to put internality and externality into the same theory framework to construct a consolidated theoretical basis for social regulation. The basic ideas are as follows:*

(1) *From the viewpoint of property right, internality is the wealth or rents that have been put in the public domain without being completely demarcated. Those transactors with advantage in information certainly will seize valuable resources in the public domain excessively before the marginal cost of seizing equals to the marginal return, hereby encroaching upon the interests of other transactors - bringing other transactors additional un-priced cost.*

(2) *Any transaction is a process of redemarcation of property right. Therefore, as long as the transaction can be repeated, each party of the transaction has the access to public wealth in the public domain under its respective restriction terms, thus making property right game come to*

some equilibrium point where the property right is fully demarcated. An inference is that governmental regulation is not necessarily required for externalities in repeatable transactions. Only when one party counts on its superiority in information to seize the wealth in public domain and does great harm to the other party of the transaction, and the property right of the harm cannot be fully demarcated through repeating transactions for too much cost, it is necessary for the government to regulate the internality to decrease the cost of demarcating properties fully.

(3) Fully demarcation of property right refers to the level of demarcation when both parties of transaction come to equilibrium in seizing wealth in public domain under restraints on established technology, institution, knowledge and preference, etc. It also refers to the "equilibrium point of property right game" under giving restraints. From the viewpoint of efficiency, full demarcation of property right means the optimum resource allocation under giving terms.

(4) Both externality and internality are resulted from harms to or overflows of rights due to difficulty in fully and clearly property right demarcation. Therefore, the difference between externality and internality is only superficial, and they are in nature of the same problem of property right.

3. Since internality and externality involve harms to others' rights, the author holds that, when regulating externality and internality, comparison and balance should be done between cost of production information and cost of inefficient transactions, so as to decide whether legal regulation or administrative regulation is to be adopted. However, under the current social environment for the legal system, administrative regulation has to be more often adopted.

4. *There are two basic tasks that have to be done in the regulation reform of natural monopoly industries in China. One is to reform the system of unification of enterprises and governmental function, and break up the direct relation of interests between the regulators and the enterprises to be regulated, enabling regulating organizations to exercise their functions detachedly, strengthening and consummating the regulation and supervision to the regulators. The other is to accelerate the unbracing of regulation to non - natural monopoly businesses. After this, the reform on regulation should focus on both on unbracing and strengthening of regulation. At the same time, anti - trust policies will be required to ensure fair and rational market competitions.*

5. *In our country, the factors that cause internality and externality and the regulation failure on them are more of the development and transformation in China, besides some general factors universally existing in other countries of market economy. The rapid development of one country's economy in principle has to undergo a process of "primitive accumulation of capital" which can only be displayed in modern times in some other forms, such as effect of first getting rich by means of dishonesty and immorality, overnight rich effect by means of injuring others' and public interest, the scale effect of low consumption group in China and so on, all of which contribute to a more severe market failure in China. Meanwhile, in China, the problem of insufficiency and asymmetry of information is more serious, and legal and moral standardization is scarcer than in developed countries. Then there are some factors of system in transformation, which chiefly exhibit in origin in the effect of protectionism for interests of various sectors and regions on market failure and regulation failure. Besides, there are factors in the transi-*

tion of progressive reform, such as harmonious relations between all governmental functions have not yet been achieved, and the co-existence of overlapping and shortage of regulation organizations.

6. As for the reform of natural monopoly industries, firstly, it is necessary to re-demarcate functions of regulation institutions in order to separate functions of regulation institutions from management function of state property. Secondly, business of natural monopoly and that of non-natural monopoly should be segregated so as to achieve efficient competition of natural monopoly. Thirdly, legislation practice relying chiefly on trades and departments should be altered and neotype of legal system of natural monopoly regulation should be established. Finally, the price system in natural monopoly industries should be reformed to achieve legalization of price regulation.

7. In order to better exert governmental function of social regulation, administrative regulation organizations should be awarded quasi-legislative power. At the same time, administrative procedure act should be made as soon as possible to make sure of the fairness and rationality of regulations. On the other hand, based on current resources, we should make full use of and integrate the existing resources of administrative regulation, while innovations in regulation should also be done. It is suggested that trans-provincial authoritative organizations of social regulation should be established, entitled directly by the central government or People's Congress, so as to keep away from disturbance from local governments and increase the efficiency of regulation.

8. As for the reform of indirect regulation in China, on one hand, system of anti-unfair competition law should be further consummated based on the past experience of law enforcement, and a law-enforcing

regulation institution with higher status and more authority should be set up ; on the other hand , it is needed to enact as soon as possible anti - trust law , the purpose of which is to uphold and create a mechanism for fair competition , to realize the efficiency of resource allocation and to help to promote technological advancement and the prosperity of the market economy in China.

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