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理性契约与公权他用的悖论及其启示——以理性选择理论为分析视角

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摘要: 古典社会契约理论认为, 理性的个体基于自愿同意, 互相订立契约进入政治社会, 是一个正和博弈的理性选择过程。但这一集体行为的结果都是个人理性造成了集体的非理性, 因为人们让渡的公权的他用导致了非合作博弈下集体行动的困境。因此, 现代民主国家要做的, 应是设计出一种权力多中心的国家— 社会二元结构模式, 进一步壮大公民社会的力量, 发扬协商民主精神与公共精神, 藉以减少公权他用的现象。

关键字: 理性契约; 正和博弈; 公权他用; 理性回归

The paradox between rational contract and the abuse of public right and its enlightenments——An analysis from the theory of rational choice

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Abstract: Based on an analysis from the theory of rational choice, the theories of classic social contract were considered that the rational individuals conclude the contracts each other on the basis of voluntary agreements entering the political society, which is a rational choice in win-win situations. But the result of this collective act demonstrates that the individual rationality leads to the group of irrationalities. The release of public rights to other ways may lead a dilemma of collective behaviors in a non-cooperative game. Therefore, what democratic nations need do is to build up a kind of nation with lots of centers of power——the dual mode of social structure, so as to reduce the phenomenon of public power being abused. It is essential to strengthen the power from civil societies, to enhance the neglect of democratic spirits and public spirits.

KeyWords: rational contract; win-win games; abuse of public right; the return of rationality