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The Analysis of Back-Feeding Agricultural Legal Relationship

By Xu Heng & Zhao Qian
Law School, Southwest University, China

Abstract - Probing into the connotation as well as the application of the legal relationship can broaden the research category of legal relationship theory and provide the necessary specification guidelines for the evolvement of back-feeding agriculture activities. The formal logic method can successively be used to analyze definition, characteristics, composition of the back-feeding agriculture legal relationship, which is the basis of the applicable solutions for back-feeding agriculture legal relationship in aspect of value, system and content. Back-feeding agriculture legal relationship which has the common characteristics of legal relationship and unique ones based on back-feeding agricultural orientation is the combination of administrative relationship, collaborative relationship and autonomous relationship whose main content is rights and obligations. These unique features are emerged from the subjects and the content of back-feeding agriculture legal relationship, while these unique ones behave differently along with the different objects. Community theory and benefit allocation mechanism can be used to analyze its application in terms of legislative spirit. In a similar way, systematization of normative legal documents should be used to analyze its application regard to legislative form, while the design of legislative norms to analyze its application in the field of legislative content.

Keywords : *back-feeding agriculture; legal relationship; connotation; application.*

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The Analysis of Back-Feeding Agricultural Legal Relationship

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Abstract - Probing into the connotation as well as the application of the legal relationship can broaden the research category of legal relationship theory and provide the necessary specification guidelines for the evolvement of back-feeding agriculture activities. The formal logic method can successively be used to analyze definition, characteristics, composition of the back-feeding agriculture legal relationship, which is the basis of the applicable solutions for back-feeding agriculture legal relationship in aspect of value, system and content. Back-feeding agriculture legal relationship which has the common characteristics of legal relationship and unique ones based on back-feeding agricultural orientation is the combination of administrative relationship, collaborative relationship and autonomous relationship whose main content is rights and obligations. These unique features are emerged from the subjects and the content of back-feeding agriculture legal relationship, while these unique ones behave differently along with the different objects. Community theory and benefit allocation mechanism can be used to analyze its application in terms of legislative spirit. In a similar way, systematization of normative legal documents should be used to analyze its application regard to legislative form, while the design of legislative norms to analyze its application in the field of legislative content.

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I. Introduction

The back-feeding agriculture which is the objective need of social development after the realization of industrialization has multiple missions, such as balancing urban and rural development, optimizing the industrial structure and keeping the social justice. As to our country, the fact that agriculture "feeds" industry for a long time and the situation that industrial output has far exceeded agricultural output are the realistic basis of back-feeding agriculture. Hence, the back-feeding agriculture has been paid wide attention by the theoretical circle and the practical circle in recent years, while the relevant research results and the institutional facts have continuously been in public view. Legal relationship refers to “social relations whose content is the rights and obligations, built and adjusted by the law”[1].The attributes of legal relationship, such as normalization, comprehensiveness, mandatory, integrity. It has marked the social relationship with the brand of “the orderly, the controllable, coordination”. [2] The exploration of the back-feeding agriculture legal relationship can not only broaden the related theory of research categories for legal relationship, but can also provide necessary specification guidelines for the evolvement of back-feeding agricultural activities. Nevertheless, the paradigm discussing the problems of back-feeding agriculture from the perspective of legal relationship and even the science of law has rarely been seen so far in the academic circle. Few related research is limited to the rights nurturing and the back-feeding agriculture legal concept, etc. Research on the connotation and application of back-feeding agriculture legal relationship would show its theoretical value and practical significance to a higher degree.

II. The Connotation of the Back-Feeding Agriculture Legal Relationship

To clarify the logical form and discipline of back-feeding agriculture legal relationship, the method of formal logic can be used to research the connotation of the back-feeding agriculture legal relationship. “Concept is the form of thought which reflects inherent attributes (or nature) of things. When the concept reflects the specific attribute of things, it can also reflect these unique things per se. The connotation of the concept is the specific attributes reflected by the concept." [3] The connotation of the back-feeding agriculture legal relationship is the specific attributes of the legal relationship reflected by a concept of the legal relationship, as the unique attributes tend to show three aspects: definition, characteristics and formation.

a) The Definition of the Back-Feeding Agriculture Legal Relationship

As an entity, back-feeding agriculture legal relationship, the performance results of legal relationship lying in back-feeding agriculture, is a kind of specific and specialized legal relationship, which has the similarity of legal relationship itself and the particularity of back-feeding agriculture; As a "category"[4], it is a combination concept in which "back-feeding agriculture" is prefix-title of "legal relationship" . Only on the basis of the concept of legal relationship, can we accurately delimit back-feeding agriculture legal relationship.

Since Savigny first proposed the definition that “the legal relationship is the interrelationship of people

Authors α σ : Law School, Southwest University, China.
E-mail : honeywindy@hotmail.com

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defined by the law"[5], the study of the definition of legal relationship has become a practical and popular learning and has reached some consensus in academic circle. Such that "Legal relationship is the relationship of the rights and obligations via the process that legal norms regulate people's behavior. Its constituent elements include: (1) the subject of rights; (2) the rights and obligations; (3) object of the rights."[6] "Legal relationship refers to the relationship of social life or the relationship of rights and obligations via certain legal facts confirmed or regulated by law." [7] In addition, different discipline gets to different understanding based on its own research paradigm. Jurisprudence academic circles generally defined legal relationship as "the affiliation of rights and obligations between people produced in the process of legal norms' guiding people's behavior and regulating social relationship, as well as the combination of social content and legal formation."[8] The definition attaches more emphasis on legal relationship existed in interpersonal relationship and social relationship, whose nature is determined by the nature of the social life and the actual contact. The legal relationship so defined often has the characteristics of fundamentality, abstractness, normalization and legitimacy. Civil law academic circles usually defined legal relationship in the perspective of civil legal relationship, such as "The civil legal relationship is the civil relationship of rights and obligations based on civil legal facts and the regulation of civil legal norms, which is the legal reflection of the property relationship and the personal relationship altered by civil law among equal subjects." [9] the definition typically illustrates the causes, the precondition, the main contents and the regulative range of the legal relationship. The legal relationship so defined has the feature of normalization, legitimacy, nay, the characteristics of subject equality and value creativity. Criminal law academic circles usually define the legal relationship in the angle of criminal legal relationship, such as "the criminal legal relationship includes criminal law relationship, criminal procedure legal relationship and criminal execution legal relationship, or includes the criminal entity legal relationship, the criminal programmed legal relationship and crime alternation legal relation."[10] The legal relationship so defined returns to the nature of legal relationship of a kind of social relationship, which highlights that the organic combination of the entity relationship, the procedure relationships and the execution relationship could better promote the good operation of the social relationship. Administrative law academic circle usually defined the legal relationship in the range of administrative legal relationship, such as "administrative legal relationship refers to the relationship of rights and obligations regulated by administrative law among the administrative subject, administrative personnel and administrative counterpart due to the implementation of the national administrative power"[11]. The legal relationship so defined completely covers all kinds of related subjects (administrative subject, administrative personnel and administrative counterpart), which illuminates us to define it in the perspective of the people in social relationship. Economic law academic circle usually defined the legal relationship in the perspective of economic legal relationship, such as "the relationship of rights and obligations formed in the process of restricting the qualifications of market subject, regulating the market order, carrying on macroeconomic regulation and supervising economy among the economic law subjects corresponding to the economic law by the state."[12] The legal relationship so defined focuses more on the facts and behavior of social relationship which is the basis of various objects (the qualification of market subject, market order, macroeconomic regulation and supervision) concerned with the social relationship.

Above all, the academic circle has reached a basic consensus on some categories attached to the concept of legal relationship, such as legal norms, rights and obligations, social relationship. The fact that government agencies lead the back-feeding agricultural activities and the mission of macroeconomic regulation and balancing urban and rural economic development back-feeding agriculture shoulders on determine the attribute of back-feeding agriculture legal norms which is mostly a kind of comprehensive legal norms, mainly for the combination of administrative legal norms and economic legal norms. To scientifically define the concept of back-feeding agriculture legal relationship, we might as well take the consensus conceptual category of legal relationship in academic circles as the foundation, combined with the basic features of back-feeding agriculture legal norms. Back-feeding agriculture legal relationship refers to the combination of various administrative relationship, collaborative relationship and autonomous relationship whose main content is the rights and obligations among the administrative subject, administrative personnel and administrative counterpart formed in the process of regulating and adjusting the financing behavior by back-feeding agriculture legal norms.

b) The Characteristics of the Back-Feeding Agriculture Legal Relationship

i. *The Common Features*

Back-feeding agriculture legal relationship, of course, has the universal characteristics that legal relationship has in common, such as "the social relationship formed in accordance with law, interpersonal relationship, the relationship of rights and obligations, the unity of social content and legal form, in the protection of the state coercive power, the attributes of ideological and motivate relationship"[13] Firstly, the back-feeding agriculture legal relationship should be the

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combination of various administrative relationship, collaborative relationship and autonomous relationship formed in accordance with back-feeding agriculture legal norms. The back-feeding agriculture legal norms are supposed to be regarded as a generalized definition whose range is not limited to agriculture legal norms but legal norms concerning back-feeding agriculture included. Secondly, the back-feeding agriculture legal relationship is also the interpersonal relationship. The people here also should have a broad understanding, in addition to the peasants, also including the personnel of relevant government agencies, agricultural institutions, productive and operative organizations and other relevant social organizations (agricultural industrialization organizations such as agricultural technology popularization association, the capital mutual-aid association, the rural human capital training institutions and cooperatives) . Thirdly, back-feeding agriculture legal relationship is the relationship of rights and obligations among back-feeding agricultural subjects, also including various back-feeding agricultural power and legal liabilities. The relationship of rights and obligations is the key factors to distinguish from habitual relationship, moral relationship and religious relationship. It is the various rights and obligations legal norms endow back-feeding agricultural subjects that generate back-feeding agriculture legal relationship. Fourthly, the back-feeding agriculture legal relationship is the combination of back-feeding agricultural practice and back-feeding agriculture legal norms. The back-feeding agricultural practice determines the nature of the back-feeding agriculture legal relationship, while the back-feeding agriculture legal relationship in turn dresses back-feeding agricultural practice with rights and obligations. The objective existence and the interaction of the two factors necessarily give birth to the back-feeding agriculture legal relationship. Fifthly, back-feeding agriculture legal relationship is the administrative relationship, collaborative relationship and autonomous relationship whose implementation is guaranteed by the state coercive power behind back-feeding agriculture legal norms. Any individual or organization shall not violate or break the legal relationship before attaining the admission of the other subjects legally, while relevant government agencies have the right to require the voluntary subjects to perform its obligations and give legal sanctions to those who don't perform its obligations. Sixthly, back-feeding agriculture legal relationships also have the attributes of ideological and motivate relationship, which is the unity of the material relationship and ideological relationship. As a kind of material relationship, the back-feeding agriculture legal relationship has reflected the content of the economic foundation, such as laborer, labor relationship and productive mode. As a kind of ideological relationship, the back-feeding agriculture legal relationship has also reflected administrative relationship and spiritual relationship, such as the leading function of government, agricultural intellectual property rights, etc.

ii. *The Unique Features*

Back-feeding agriculture legal relationship have the six aspects of universal characteristics, nay, it has the unique features based on the characteristics of back-feeding agriculture itself. Back-feeding agriculture refers to "the activities to realize the modernization of agricultural production, promote rural economic development, and increase farmers income levels by through non-agricultural industries, the support cities provide in accordance with characteristics of back-feeding agriculture under the guidance of the national industrial policy"[14]. Back-feeding agriculture includes capital nurturing, technology nurturing, human capital nurturing and industrialization nurturing, etc. Its unique characteristics can be mainly expressed as policy dependence, specification compound, and discipline connection. Firstly, policy dependence, the building and application of back-feeding agriculture legal relationship is in line with policy guidance of national industry nurturing agriculture, coordinating urban and rural development, which should be adjusted with the change of policy. The change of related policy also has much timeliness that clarifies that the building and application of back-feeding agriculture legal relationship has obvious value only during the period of the medium-term of industrialization and the existence of urban and rural dual structure. Secondly, the specification compound, it namely refers that the legal norms involved in back-feeding agriculture legal relationship is cross sect oral law, including the administrative law, economic law, civil law, criminal law and social law, in which administrative law and economic law relating to agriculture is the core elements. The specification compound also determines the diversity of legal relief ways, among which the relief ways, such as administrative litigation, administrative reconsideration, public Interest Litigation, small claims, in different sect oral law could be applied accordingly to protect the related legal interests. Thirdly, discipline connection. It namely refers that the back-feeding agriculture itself is a kind of public policy activity wanting multi-disciplinary knowledge to nurture agriculture, which determines that the building of back-feeding agriculture legal relationship need integrate multi-disciplinary knowledge, such as the water conservancy, machinery, law, finance, the plant protection, management, etc. Discipline compound also determines the complexity of the back-feeding agricultural practice, which illuminates that the mode of limited-subjects nurturing and traditional administrative nurturing is difficult to achieve the desired effect. Efforts should be made to the innovation of nurturing mode in the back-feeding agriculture practice, by through inter-departmental integrated nurturing,

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professional cooperatives nurturing, agricultural enterprises nurturing, public-welfare fund nurturing, service nurturing bought by government to realize the compound of back-feeding agriculture. These unique features get to be apparent through the subjects and contents of back-feeding agriculture, and vary with the different objects.

c) The Composition of the Back-Feeding Agriculture Legal Relationship

i. *Subjects*

The subject of the legal relationship is the precondition of survival of legal relationship, and is also the most dynamic organization in legal relationship. Existence and operation of the entire legal relationship totally depends on the support of subjects, while the endowment of rights and obligations, the inheritance of authority and responsibility, the protection of objective interests are all closely related to the subjects. The subject of back-feeding agriculture legal relationship is also the precondition of back-feeding agriculture legal relationship, and the owners and bearers of back-feeding agriculture legal relationship. The subjects of back-feeding agriculture legal relationship mainly include: government and administrative agencies, agricultural institutions, productive and operative organizations, other related social organizations and farmers.

Three kinds of relationship including the managing-managed relationship, competition-collaboration relationship and market-autonomy relationship have been fundamentally formed among the subjects. Administrative agencies and other nurturing subjects should form the managing-managed relationship in which administrative agencies must supervise the agricultural institutions, productive and operative organizations, other related social organizations and farmers effectively. Agricultural institutions, productive and operative organizations and other related social organizations mainly formed the competition-collaboration relationship which consists of the mentoring relationship between the higher agricultural institutions and subordinate units, the competitive relationship formed in the process of bidding the project among enterprises, the collaborative relationship among organizations via comprehensive nurturing and the funding-support relationship between financial-group legal person and the subjects. Agricultural institutions, productive and operative organizations, other related social organizations and farmers mainly formed the market-autonomy relationship in which policy preference should be made to realize the economic development and group harmony in accordance with the value rule.

ii. *Contents*

The content of legal relationship mainly includes two aspects: the rights and obligations of private subjects, the power and responsibilities of public authorities. The clarification of the content of legal relationship directly affects the improvement of the legal relationship theory and the effect of legal application in the related field. The content of back-feeding agriculture legal relationship is also the core element of the back-feeding agriculture legal relationship. The rights and obligations of the productive and operative organization, other social organizations and farmers in the back-feeding agriculture legal system is included, as is the power and responsibilities of relevant administrative agencies and agricultural institutions therein.

First of all, in terms of the rights of private subjects, productive and operative organizations, other relevant social organizations' and farmers' rights mainly include autonomous power of the application of scientific and technological achievements, the unconditional possession of agricultural subsidies, the assistance for agricultural technological accident, the reward for the promotion of back-feeding work, the relief of reconsideration and lawsuit initiated for the infringement or unfair treatment in the process of back-feeding agriculture. Its corresponding obligations include the obligation to implement the back-feeding agriculture policies, the duty to coordinate the public authorities with the work of comprehensive nurturing, the liability of complying with back-feeding agriculture legal norms, the responsibility of exposing the destructive deeds to back-feeding agriculture, the compulsion to abide by the transaction order of compensation for equal value, the rule for resisting the monopoly of nurturing resources.

Secondly, in terms of public authorities, the power of relevant government agencies and agricultural institutions in the nurturing activities mainly includes the coordinated guarantee of government for the promotion of back-feeding agriculture, the power of application for nurturing funds, the power of collecting nurturing opinion, the power of organizing hearing, the advising and organizing power of nurturing units at higher levels. Its relevant responsibilities mainly include the responsibilities to make and implement nurturing public policy, the responsibilities of propaganda of nurturing achievements, the liabilities to allocate nurturing funds on time, the obligations to arrange the nurturing resources reasonably, the duty of carrying out the work of nurturing in accordance with the Constitution and law, the compulsion to build the nurturing effect-feedback mechanism.

iii. *Objects*

The objects of legal relationship refer to the legal interests to be damaged by violations under the protection of legal norms. The objects mainly include the substance, behavior, intellectual property, and order, etc. The objects of back-feeding agriculture legal relationship refer to the legal interests under the

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protection of relevant legal norms in the process of back-feeding agriculture. As same as the objects of other legal relationship, the objects of the back-feeding agriculture legal relationship also have the characteristics of availability, controllability and objectivity. Simply put, the objects of the back-feeding agriculture legal relationship can be summarized as substance, behavior, spiritual product and order.

The substance in back-feeding agriculture mainly refers to the object in form of kind which is necessary for nurturing activities, such as agricultural machinery, seed, fertilizer, animal and plant species ,cash payments. The behavior in the legal relationship mainly refers to the concrete administrative behavior, cooperative behavior and autonomous behavior existed in the process of capital nurturing, technology nurturing, human capital nurturing and industrialization nurturing. The spiritual products in the legal relationship refers to the intangible technological achievements generated by mental work and expressed in certain forms for the back-feeding agriculture, such as new irrigation technology, grafting and hybridization technology, rural literature, etc. Such spiritual products belong to a kind of invisible ideology; nevertheless they also depend on certain carriers (such as drawings, Animation, slides, etc.). The order of back-feeding agriculture refers to the combination of the orderly behavior and social relationship generated by the interaction between the operation of relevant nurturing legislation and the elements in social life, such as political elements and economic elements. It can mainly be expressed as the administrative order between relevant administrative agencies and other subjects, the collaborative order among agricultural institutions, productive and operative organizations, other relevant social organizations, and the autonomous order among agricultural institutions, productive and operative organizations, other relevant social organizations and farmers.

III. The Application of the Back-Feeding Agriculture Legal Relationship

Back-feeding agriculture legislation, as a kind of normative documents adjusting the financing activities, is a collection of related behavior rules or norms, and the basic function is to “make human’s numerous, various and different behavior and relationships achieve an order to a reasonable degree” by limitations to actions or behavior[15]. We can conclude that the back-feeding agriculture legal relationship should be one of the objects of the normative documents. Clarify the application back-feeding agriculture legal relationship can provide more realistic and concrete indications for scientific construction of back-feeding agriculture legislation. “The main content of the real law and natural law can be summed up in three basic aspects, namely moral principles and value orientation, the discipline and the nature of matters. Ethical nature, regularity and characteristics of these three aspects are presented by legal spirit, forms and contents.” [16]In legislation which is the subordinate concept of law, the legal spirit, form and content present as legislation value, legislative content and legislative system. To explore suitable path of the back-feeding agriculture legal relationship, we might as well start from the value, system and content of the back-feeding agriculture legislation.

a) The Value Application of Agriculture Legal Relationship

Value generally refers to the object’s usefulness for the subject. Application generally refers to proper use (including the construction of execution, feedback and relief mechanisms). So "value application" can be generally understood as "how to operate more effectively". To explore the value application of back-feeding agriculture legal relationship, we should both reveal the general value of law and explore the effective auxiliary operation mechanism. For the former, we can make community theory an index. For the latter, we can make profit allocation mechanism as a breakthrough. In the legislation of back-feeding agriculture, the application of back-feeding agriculture legal relationship can be analyzed from the aspects of community theory and profit allocation mechanisms to make the constituent elements of the relationship present better in the value of legislation.

i. *The Application of Back-feeding Agriculture Community*

Community theory is a classical theory of western sociology and political science, which built the community model that highly summarized the development of past political, economic and cultural system. German sociologist Ferdinand Tonnies made a systematic exposition of "community" for the first time. “Community is based on relevant personnel’s instinctive love or adaptation of habit or collective memory associated with thoughts. Community is a kind of lasting and real common life and it is the perfect unity of man's original or natural state will."[17] The essence of community life is a kind of thinking, awareness and actions with certain purposes interacted between different individual's lives. Community theory stresses interaction and cooperation between community members, and back-feeding agriculture legal relationship is the combination of administrative relationship, collaborative relationship and autonomous relationship. They have natural purposiveness and communion. Back-feeding agricultural community is the requirement of back-feeding agricultural legal relationship’s application to the field of back-feeding agricultural legislation spirit. Based on back-feeding agricultural legal relationship, building the back-feeding agricultural community under the guidance of back-

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feeding agricultural legislation contributes to put back-feeding agricultural legal relationship's subjects and content into practice. On one hand, through stabilization and concretion of back-feeding agricultural community members can facilitate different parties of back-feeding agricultural legal relationship's accurately position and oriented organic unity. On the other hand, through interaction and cooperation according to law between back-feeding agricultural community members can promote different parties of back-feeding agricultural legal relationship more actively to achieve its corresponding rights, obligations, or power and responsibilities, thus facilitating static elements of back-feeding agricultural legal relationship conversion to dynamic reality of back-feeding agricultural activities. Probing into the back-feeding agricultural community should combine law's order value and freedom value and achieve community members' full freedom together on the premise of organic order. Should not only safeguard the back-feeding agricultural efficiency, but also respect the back-feeding agricultural community members' free will, avoid community members' aimlessly and mechanical passively invalid labor. Through the innovation of back-feeding agricultural form, optimizing autonomous collaboration relationship between back-feeding agricultural community members, leading community members' reasonable competition within law's framework, improving the community dispute relief way, then we realize the orderly and freely construction of back-feeding agricultural community.

ii. *The Application of the Back-Feeding Agricultural Benefit Allocation Mechanism*

Rawls's principle of justice is a category related to benefit allocation. The first principle is called the biggest equal freedom principle: each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others. The second principle is also called the difference principle: the least-advantaged members of society should have the greatest benefit in order to solve social and economic inequalities. [18] The first principle of justice requires each person have an equal right and the second principle of justice puts emphasis on the moderate care for vulnerable groups. Back-feeding agriculture itself is the rectification of imbalance between urban and rural development in the process of social transformation in our country. In the process of back-feeding agricultural benefit allocation guided by back-feeding agricultural legislation we should give full play to the basic spirit of the second principle of justice. And under the premise of equality of resources allocation and limited power, we should put emphasis on giving relatively weak in poor areas, poverty unit and population living under poverty line tilt and special care. In this way, different parties of back-feeding agricultural legal relationship, especially farmers in a relatively weak position can be convinced that back-feeding agriculture is a kind of realization of benefit allocation justice activities, thus more proactive and consciously safeguard various legal interests protected by back-feeding agricultural legal relationship, exercise rights according to law, conscientiously perform their obligations, and finally the true freedom of different parties of back-feeding agricultural legal relationship can be realized. So, building the back-feeding agricultural benefit allocation mechanism based on principles of justice can help the elements of ideal state of back-feeding agricultural legal relationship conversion to the elements of factual state, and finally realizes the back-feeding agricultural legislation's basic values such as justice, efficiency, order and freedom. Probing into the back-feeding agricultural benefit allocation mechanism should combine law's justice value and efficiency value, safeguard reasonable allocation of back-feeding agricultural resources and raise the enthusiasm of subjects of back-feeding agricultural legal relationship. By opening and equalization of back-feeding agriculture opportunities, publicizing back-feeding agricultural benefit allocation rules, adhere to the basic equal distribution principle, tilting back-feeding towards poor areas, attaching importance to the rightness and feasibility evaluation of back-feeding agricultural projects, improve the feedback mechanism of disagreements over benefit allocation, building back-feeding agriculture incentive and punishment mechanism we can build back-feeding agricultural benefit allocation mechanism based on the principles of justice.

b) The Systematic Application of the Back-Feeding Agriculture Legal Relationship

Systematization of normative legal documents is an important method of combing the legal norms, also applicable as a supplementary institutional design for legal relationship. The application of back-feeding agriculture legal relationship in the field of back-feeding agriculture legislation can be analyzed in the perspective of systematization of normative legal documents which includes back-feeding agriculture legal clean-up, back-feeding agriculture codification, back-feeding agriculture compilation, so as to promote the constituent elements of back-feeding agriculture legal relationship better appeared in the legislative system.

i. *The Application of Back-Feeding Agriculture Legal Clean-Up*

"Legal clean-up, also known as the regulations finishing, is a law-making activity. It is a form of legislation referring to the relevant national authorities in accordance with certain procedures, reviewing normative legal documents for a certain period of time and scope and re-determining its legal effect activity."[19] In this process, the old laws and regulations are repealed or modified while the new legal

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norms are created. Conducting back-feeding agricultural law clean-up can effectively alleviate the inherent lag and rigidity of nurturing agriculture and legal norms to adapt to changing social reality in a better way. Modified in 2012, the People's Republic of China Agricultural Technology Promotion Act, Article 13, by the township level, the proportion of technical positions at the county level and other agricultural technology promotion agencies 100%, 80% and 70% of strict quantitative requirements, more conducive to the realization of the grassroots agricultural extension agencies streamline, efficient and attract talent to curb the phenomenon of grassroots agricultural extension agency personnel constitute a fish, to ensure that the limited nurturing agriculture funds to the letter. Making up industry nurturing agriculture legislation is typical in the clean-up process but also nurturing agricultural legislation gaps.

ii. *The Application of Codification of the Back-Feeding Agriculture Law*

The law codification, also known as codification "means the state legislature will belong to all existing normative legal documents of a legal department to clean up and modify, create new norms, to modify unsuitable specification repealing outdated norms, compiled harmony, complete and systematic style of new laws or codes."[20] The codification is the highest form of legislation, which allows all of the legal norms of the legal department coordinate with each other and form a complete system. To codify back-feeding agriculture legal norms means back-feeding agricultural legislation as an independent department law system, although the need to become an independent department law system is questionable, but of all kinds of relevant nurturing agriculture laws and regulations integration is necessary. To nurturing agricultural problems, may develop high-order administrative regulations more specific legislation to achieve the goal of unified regulating, in order to solve the conflict and overlap of relevant nurturing agriculture laws and regulations. Several legal norms closely related to the nurturing agriculture, such as Agricultural Law Agricultural Technology Promotion Act, the Land Management Law, Agricultural Machinery Promotion Act, Rural Land Contracting and Management Disputes Mediation and Arbitration Law, Land Contract Law, Agricultural Cooperatives Law, can be unified and integrated to prepare for an Agriculture (or Nurturing Agriculture) Code, to provide a more systematic specification guidelines for the application of back-feeding agriculture legal relationship.

iii. *The Application of Compilation of the Back-Feeding Agriculture Law*

The compilation of Law does not belong to the legislative or law-making activities. "It means the normative legal documents in accordance with a certain degree of purpose or standards, such as the field adjusted by social relationship, class or nature of the problem, in accordance with the level of effectiveness, in chronological order, to make the system arrangement and compiled into a book."[21] Back-feeding agriculture law compilation is to take agriculture-related laws and regulations compiled into a book, whose main purpose is to facilitate the more comprehensive and systematic understanding of legal relationship between the subjects of nurturing agriculture, to look up relevant nurturing agriculture laws and regulations accessibly, to promote the upgrade of public cognition and evaluation capacity of back-feeding agriculture, and by the positive Franco-Prussian publicity, enforcement according to law, consciously abide by the law and other forms, participation in back-feeding agriculture activities can be effectively promoted. Present back-feeding agriculture compilation mainly includes "agricultural laws and regulations compilation" of China Agriculture Press, published in 2003; "the Agricultural Code of the People's Republic of China" of Law Press, published in 2011.On the whole, it has the shortcomings of a slow updates and few varieties. The establishment of the electronic platform of open-source agriculture (or nurturing agriculture) legal compilation is the best choice to solve the problem in the information age.

c) The Content Application of Back-Feeding Agriculture Legal Relationship

Back-feeding agriculture legal relationship is built on the premises of the back-feeding agriculture legal norms, and the research on the content of back-feeding agriculture relationship is essentially a kind of correction and innovation on the back-feeding agriculture legal norms. Based on the angle of soft law norms, referee norms and evaluation norms, analyzed in the perspective of the design of legal norms, the components of the back-feeding agriculture legal relationship can be better revealed in legislative content.

i. *The Application of the Back-Feeding Agriculture Soft Law Norms*

Nowadays, China's jurisprudence "paradigm" [22] is still a formulary which is, back to Austin, analysis of the traditional "hard law" law research paradigm, the long-term neglect of the research and application of "soft law". The so-called hard law refers to those behaviors that command obedience in national legislation mode, which can use the state coercive power to ensure implementation of legal norms. Soft law which refers to its validity does not come into effect in accordance with the state coercive power to ensure implementation of the law." [23] The implementation of "soft law governance, unity of the hard and soft" mode of mixed legal system, can maximize the integration of

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national and social autonomy, a mandatory two kinds of function. Applying soft law norms to back-feeding agriculture legislation can effectively mobilize public right and private right subject two aspects of motivation, and receive comprehensive response to diverse back-feeding agriculture legal relationship subjects in order to realize the diversification of the back-feeding agriculture interests appealing. Back-feeding agriculture soft law norms as the financing of legal norms, which stresses more consultation, less compulsion and higher freedom, can be formed the organic inner link of various management relationships, cooperation and autonomy as the sum of the back-feeding agriculture legal relationship. With respect to the objects which has weak subjectivity and strong objectivity (such as substance, spiritual products), soft law of high flexible adjustment can save limited institutional agricultural resources, and help to eliminate the breeding of local or industry unspoken rules and also to improve the level of the back-feeding agriculture under the rule of law. With respect to weak the object of subjectivity, strong objectivity set by the back-feeding agriculture soft law regulating mechanism, it strengthens the social autonomy function of the back-feeding agriculture legal relationship in effective way.

ii. *The Application of Back-Feeding Agriculture Referee Specification*

"Jurisdiction based on law" and "jurisdiction based on discretion" are the concepts put forward by American famous social jurist Roscoe Pound. The Jurisdiction based on law refers to carrying on judicature according to authoritative imperative, norms and instructions, while the jurisdiction based on discretion refers that the judge can apply discretion to cases. [24] The role of "jurisdiction based on law" lies in maintaining the stability of the law, avoiding its constantly changing, endowing people a sense of security being protected by law. The role of "jurisdiction based on discretion" can be expressed as taking social practice and reasonable expectation into the verdicts via the discretion of judges to enable the law to keep pace with the age. Back-feeding agriculture referee specification should balance the "jurisdiction based on law" and "jurisdiction based on discretion" in order to reconcile the contradiction between the legislative stability and factual variability of back-feeding activities. Back-feeding agricultural legislation may not solve all the problems of back-feeding agriculture, which enlightens that we can't apply the specification equally and completely. Back-feeding agriculture referee specification should provide the necessary discretion space for the solution to relevant disputes so that the application of nurturing legislation will be more suitable for national conditions, public opinion and social development. It connects the latest nurturing policy, practice, interests demand with the rights and obligations of various subjects in order to provide specific solution to solve the distributes.

iii. *The Application of Back-Feeding Agricultural Evaluation Specification*

The "dichotomy" theory including the ideal state and the factual state which is an important symbol of Analysis School is first put forward by Jeremy Bentham, then by Austen's inheritance and development. In essence, the "dichotomy" theory is two kinds of research angle of the legal norms. The first angle can be realized as "what the law should be" which belongs to the ideal state, while the other can be expressed as "what the law on earth is" which is known as the factual state[25]. The back-feeding agriculture evaluation specification should be designed on the basis of the "dichotomy" theory. On one hand, the back-feeding agriculture legal norms which are in line with the rational and moral standards should be made in the angle of the ideal state of the back-feeding agriculture legal relationship and even the nurturing legislation. On the other hand, so as to explore the scientific and feasible solutions, the factual dilemma of the rights and obligations of various subjects and the legislative defect expressed in the process of implementing the nurturing norms are supposed to be analyzed in the angle of the factual state of the back-feeding agriculture legal relationship and even the nurturing legislation. We should make the distinctive conclusion by the static analysis, also via the value judgment of content design and technological application of the nurturing legal norms on the basis of legal text. We should also make the positive or negative conclusion by the dynamic analysis, also via the value judgment to the actual utility of the nurturing legal norms on the basis of legislative function.

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