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博士論文

Comparing Liberalism and Confucianism:

A Perspective on the Problem of China's Political Modernization

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Introduction

1. The background of the study

In the twenty-first century, China has become the second largest economy in the world and an important player in the international community. However, China is still categorized as a developing country. It seems that the importance of today's China in the world is mainly due to its economic success in the reform period, while the reason why China is still a developing country is to some extent related to its political system. From the 1980s on, China carried out a market oriented economic reform without essentially changing its underlying political system. With the end of the Cold War and the progress of globalization, its policy of turning to market economy and opening up to the outside world was welcomed by the West, but its essentially undemocratic political system has increasingly become the target of Western criticism. Inside China, however, though the liberal-minded scholars and activists are also criticizing the Communist regime for its undemocratic rule, most people are seeing the problem of today's China in a different way. Chinese people tend to define the problem of China's political system more in terms of corruption than in terms of too little democracy. Corruption is regarded not only as a political problem, but also as the source of many other social and economic problems, such as the huge income gap between the rich and the poor, the environmental destruction, food safety, and the frequent

eruptions of local conflicts.

Coincident with the development of capitalist market economy, Marxism has largely ceased to be the state ideology in China, notwithstanding the continuing rule of the Communist party. In contrast, the reform period of China saw the resurgence of two major traditions of political thinking, liberalism and Confucianism, both of which were vehemently criticized in the pre-reform period under the leadership of Mao Zedong (毛沢東) as reactionary political thinking. Liberalism and Confucianism are now competing to provide theoretical support for all kinds of arguments in the discussions concerning China's political problems. Both liberalism and Confucianism are largely critical to the present regime, but their diagnosis and understanding of China's political problem are quite different. Liberalism was the competing ideology of Marxism during the Cold War period. The end of the Cold War initiated a period of success for liberalism throughout the world. However, the political turbulence in 1989 indicated the weakness of China's liberal democratic movements. Nonetheless, liberalism with its ideological advocating of democracy and human rights, continues to be the dominating language used, both in the West and in China by many political activists, to criticize the present regime. At the same time, liberalism as a tradition of political thinking has largely replaced Marxism to become a major discipline in the academic world of China.¹ However, compared to liberalism, the

¹ The criticisms of China's political system from the view point of liberalism usually hide in discussions of social and economic problems in modern and ancient China. One famous liberal author is Qin Hui (秦暉), who wrote numerous articles and books on China's traditional society, the land problem, etc. The underlying liberal tone in his writings is very clear.

resurgence in present day Chinese society of the traditional Chinese political thinking, especially Confucianism, appears to be even more powerful.² Unlike liberalism, the popularity of Confucianism was from time to time, though not always, supported by the government in the past. Theoretically, Confucianism provides a different point of view to look at the political problem of China, i.e. the traditional Chinese point of view. It focuses mainly on the morality of government officials and sees the moral degeneration of the society as the underlying reason for the rampancy of corruption in modern China.³

Actually, present day discussion concerning China's political system can be seen as the continuation of a much older topic, that of China's political modernization. China's modernization process started in the latter half of the nineteenth century when China was forced to join the world system dominated by the strong modern nation states. In the last decades of the Qing

² In recent two decades, the most important Confucian text *The Analects* has become very popular in China, which was regarded as a phenomenon called 'The Analects fever' (『論語』熱) in Chinese. Unlike many other 'fevers' which appeared and disappeared quickly, the popularity of Confucian texts seems a continuing phenomenon. For a critical discussion of this phenomenon, see Daniel Bell's article 'Depoliticizing the Analects', in *China's New Confucianism*, Princeton University Press, fourth printing 2010, pp. 163-174. The Chinese translation of the article was 『论语』的去政治化: 『于丹「论语」心得』简评, in 『孔子与当代中国』(Confucius and Modern China), 陈来, 甘阳主编, 生活读书新知三联书店, 2008年。

³ The resurgence of Confucianism in modern mainland China as a phenomenon that appeared in the reform period should not be confused with the New Confucianism school in Taiwan, the Republic of China. Actually, even before its defeat in mainland China, Confucianism was already regarded by the Nationalist party as one pillar of the state ideology. Thus the New Confucianism discussion in Taiwan, as represented by scholars such as Mong Zongsan, Tang Junyi, etc. actually is the continuation of discussion on Confucianism that began before 1949.

dynasty, reform minded ministers were thinking of pursuing Western style industrialization, but without altering the political system of ancient China. One representative of this conservative reform theory is Zhang Zhidong (張之洞), who argued for the strategy of taking 'Chinese learning (i.e. the teaching of Confucianism) for fundamental principles and Western learning for practical application' (中學為體、西學為用).⁴ However, with the failure of the last dynasty to deal with foreign invasions, mainstream Chinese political thinkers turned to the modern ideology of revolution and of modern nation state building. Sun Yat-sen (孫文), the founding father of the Nationalist party and of the Republic of China, put forward the three principles of the people: nationalism, democracy, and the people's livelihood (三民主義：民族主義、民權主義、民生主義). Sun openly claimed that the goal of Chinese revolution was to transform China into a democracy, a modern nation state as strong and powerful as the Great Powers.⁵

It seems that, as far as the goal of modern nation state building is concerned, it is the Communist party that essentially inherited and finally realized Sun Yat-sen's ideal, though under an ideology different from that of the Nationalist party. Under the leadership of the Communist party, China ended its century long 'half-colonial' situation and civil wars to become an

⁴ Zhang Zhidong 『勸學篇』(清)張之洞著；濱久雄，那智安敬[訳，注]

⁵ Sun Yat-sen, *The Three Principles of the People*, translated by Frank. W. Price, Shang Hai: the Commercial Press, Ltd, 1929. Another famous revolutionary theorist who advocated nationalism together with Sun Yat-sen is Zhang Taiyan, whose writings, though ideologically less important than Sun's *The Three Principle of the People*, were academically more influential. 『章炳麟集：清末の民族革命思想』章炳麟著、西新順蔵、近藤邦康 編訳 1990年。

independent modern state. The pre-reform period under the leadership of Mao Zedong (毛沢東) saw China changing into a socialist country. As far as the economy was concerned, the strict central planning successfully established the industrial foundation of the nation, but also had a lot of side effects of, among others, productive inefficiency and the dual structure of urban and rural economy. In the field of politics, the whole society was effectively controlled by revolutionary socialist ideology. The mass movements launched by Mao, especially the Culture Revolution (文化大革命), made China at a time the world's leading country in political activism, but simultaneously deeply impaired both the party and society.

After the death of Mao, the party gave up the strict state control of the economy as well as the Mao-style mass political mobilization. The market oriented economic reform seemed to be a great success. Chinese economy has been growing rapidly for decades. However, with the end of the Cold War and the progress of globalization, socialism increasingly lost its ideological function. Though the Communist party emphasizes the 'Chinese specificities' (中国特色), the undemocratic nature of the regime is becoming more and more clear. China's political system has increasingly become the focus of criticism both from the West and within China. The critics urge China not to stop at economic reform and to further reform its political system. Underlying this criticism is the idea that China has not yet succeeded its political modernization, the end of which should be a Western style liberal democracy.

During the pre-reform period, on the one hand, the totalitarian rule of the

Communist party seemed to have change China into a new kind of country, completely different from its ancient past; on the other hand, given that the industrialization took place mainly in urban area while most people still lived in largely pre-industrialized rural society, the traditional lifestyle and the traditional way of thinking to some extent continued to exist in Chinese society, notwithstanding the prevalence of the socialist ideology. In contrast, three decades of rapid economic development during the reform period essentially changed the appearance of Chinese society. Given the far-reaching effects of industrialization and commercialization, the lifestyle of Chinese people has changed tremendously.⁶ Post-reform Chinese society has essentially become a modern individualized and commercialized society. All kinds of new social problems which appeared during that period, such as the income gap between the rich and the poor, the environmental problems, food safety etc., also essentially are problems common to other modern industrial and commercial societies. However, it seems clear that all the modern problems mentioned above are also to some extent related to a much older problem that China has had during its two thousand years history: the problem of corruption. Paradoxically, when Chinese society became largely modernized thanks to the success of economic reforms, Chinese people suddenly realized that the political system under the rule of the Communist party is not as essentially different from the political system of ancient China,

⁶ With the rapid industrialization and commercialization in the reform period, China has become to a large extent individualized society. See the discussion in Yunxian Yan *The Individualization of Chinese Society*, Oxford: Berg, 2009; especially chapter 9 “The Politics of Consumerism”, pp. 207-241.

as they believed in the pre-reform period. It is against this historical background that the traditional Chinese political thinking of Confucianism was revived in the post-reform period of China. Unlike liberalism which provides the theoretical foundations of the discussion of China's political problem from the point of view of liberal democracy, which is regarded as the target of China's further political reform, Confucianism provides more native concepts and theory to address the problems China is facing today.⁷

2. The objective and methodology of the study

The objective of the study is to explore whether liberalism and Confucianism, the two most popular political thinking in present day China, could provide answers for the political problems China is facing now. However, before entering this topic, one question needs to be clarified. 'Isn't the present popularity of liberalism and Confucianism only a misleading and artificial phenomenon?' If such is the case, what is the sense of studying them?

Actually, the history of modern China partially justifies this suspicion. Generally speaking, liberalism and Confucianism constituted the dominating political thinking in modern West and ancient China respectively. When China was forced to join the world system dominated by Western modern

⁷ Besides liberalism and Confucianism, there is also a 'new socialist' school of scholars who clearly blame the heritage of the ancient Chinese political system for present problems and strongly criticizes the present regime. They advocate the establishment of the real socialist democracy. One representative of this school of criticism is Liu Yongji. See among others *A Critique of Chinese Bureaucratic Culture*, 『中国官文化批判』刘永佶著, 北京: 中国经济出版社, 2000年。

nation states, Chinese people soon realized that the political systems as well as the underlying political thinking in the West and in China were very different. Reform-minded official scholars of the last dynasty proposed the idea of importing modern technology and industry from the West while maintaining China's traditional ideology of Confucianism. Their efforts however could not save the Qing dynasty from collapse.

Half a century later in the New Culture Movement (新文化運動) of 1910s, the leading Chinese intellectuals openly criticized Confucianism as backward feudalist political thinking which, according to them, was responsible for China's failure, and ardently put forwards the catchwords of freedom, equality, and democracy, etc.⁸ However, a small number of intellectuals' and young students' adoption of liberalism could not save China from the fate of foreign domination and civil disturbance. It was finally under the socialist ideology that China succeeded its independence and to a large extent its nation state building.⁹

In the pre-reform period of socialist China, both liberalism and Confucianism were strongly criticized as reactionary political thinking. Thus, though liberalism and Confucianism had been two major theoretical concerns from the starting point of China's political modernization, neither of them

⁸ Two representative scholars of the New Culture Movement were Hu Shi (胡適) and Chen Duxiu (陳独秀). Their central argument was to advocate Western liberal concepts of rights, freedom, democracy, etc. They also are the initiators of the vernacular movement in Chinese writing. Later on Hu Shi became the most important forerunner of Chinese liberalism, while Chen Duxiu became the founding figure of the Communist Party.

⁹ The ideal of the socialist democracy was described in the writing of Mao Zedong, "On New Democracy". *Selected Works of Mao Tse-Tung*, Pergamon, 1961.

gained a dominating position in the modern history of China. It is only with the weakening of socialist ideology in the reform period that liberalism and Confucianism become popular again. Furthermore, it seems clear that the West uses liberalism as an ideological rhetoric to criticize the politics of China, notwithstanding that in this era of globalization, democracy and human rights are also in danger in the West. Finally Confucianism is also to some extent utilized by the Communist regime as a 'culture tool' to emphasize the 'Chinese specificities.'

Thus the fate of liberalism and Confucianism as two major forms of political thinking has been very complex and always changing in the history of modern China. This, however, constitutes only the historical background, not the focus, of my study. This study is more a philosophical exploration than a historical research. The purpose of this project is to explore the differences and similarities of liberalism and Confucianism as two major traditions of political thinking and to see to what extent they can provide answers to the problem of China's political modernization. The complicated fate of liberalism and Confucianism as political ideologies might, in the end also be explained to some extent by the results of this study. But that will be only a by-product, not the main objective, of my research.

Then, if the popularity of liberalism and Confucianism might only be a changing phenomenon, why is it important to take into consideration of these two political traditions? Why not to discuss other important political thinking, such as republicanism or communitarianism in the West, the theories of which seem more similar to Confucianism than liberalism? And why not to

explore other traditional political thinking in China such as Legalism (法家思想) which had played an important role in ancient China and was also highly valued in Mao era?

As we mentioned above, the ultimate concern of this study is to look for a philosophical foundation for China's further political reform. Actually, the revival concern of both liberalism and Confucianism in present day China is not an accident. It to some extent reflects the dilemma of China's political modernization. The changing fate of liberalism and Confucianism in the history of modern China is but one aspect of the vicissitudes of China's political modernization process. Paradoxically, the choosing of liberalism and Confucianism rather than other political thinking as the subject of the study is related to the understanding of the problematic of the concept and process of China's political modernization. Thus, before asking the question whether liberalism and Confucianism can really play the role of becoming the philosophical foundation of the necessary transformation of China's political culture and system, one must answer the question what constitutes China's political problem today. And it seems that the exploration of the problematic with China's political modernization might throw some light to the answer of the latter question.

Modern China has been to a large extent not only historically but also ideologically incorporated into the world dominated by the West. Historically, China experienced a transformation from a half colonial nation to an independent state recognized by the international community. Ideologically, it consciously set the goal of its modernization process as to become a modern

nation state as powerful as the Western nations. To some extent, for China, as for many other 'backward' nations, the modern nation state became not only the goal of political establishment, but also the 'end of history.' In order to justify this 'end of history,' even China's own history was re-written according to the 'prototype' of the Western historical narrative. One typical example of this is to see the political system of the 2000 years history of ancient China as feudalism. According to the socialist ideology of the Communist party, the task of China's modernization was to transform China from a feudal society first into a capitalist society and then into a socialist society. In the pre-reform period under the leadership of Mao Zedong, it was claimed that China had succeeded its political transformation, notwithstanding that its industrialization level was still lagging behind that of the advanced Western states. However, in the reform period, alongside the rapid industrialization of society and the concurrent fading of socialist ideology, the problem of corruption appeared and became (and still is becoming) increasingly severe. This suggests that China has perhaps not yet succeeded its political modernization, at least in the sense that the 'ghost' of its ancient past is still haunting the political culture and system of modern China. Moreover, it seems clear that ancient China was by no means a feudal society in the sense in which pre-modern Western Europe was. This difference may constitute one of the reasons why China could not succeed its political modernization by simply following the Western style route of revolution and nation state building.

In short, it seems that the problem with China's political modernization

lies in seeing modern nation state as the end of history and at the same time complete denying its own past. The consequence of this problematic stance of modernization is the political dilemma China is facing today: un-democracy (its failure to become a modern democracy) as well as corruption (its failure to tackle its political problem in history). It is in the light of this historical background that the two political thinking of liberalism and Confucianism, the dominating political thinking in modern nation state and ancient China respectively, become popular again. By putting forward and comparing the models of the modern nation state and ancient China, this thesis will provide a new perspective to look at the problem with China's political modernization and its present day political problem. And by exploring the differences and similarities of liberalism and Confucianism, this thesis will discuss whether a theoretical reconciliation between liberalism and Confucianism could be reached to provide a philosophy foundation for China's political reform.

3. The content of the study

The thesis has two main parts. Part one is a comparison between liberalism and Confucianism as two different traditions of political thinking. Given that the goal of this study is to explore the possible philosophical foundation for the transformation of China's political culture and system, the comparison will mainly focus on the most commonly accepted concepts and theories from (some of) the most read classics in both traditions. On the part of Confucianism, the best known texts, among others, *Analects* (『論語』) and *Mengzi* (『孟子』), will be mostly discussed. Even though Confucian study had

gone through different stages throughout more than two thousands years' Chinese history, there were several Confucian canons (經書) which constitute the last resort of all those schools. For the discussion of present day China's political problem, what is important is to draw out the most general and fundamental political thinking in those most read Confucian cannons which had become the root of China's political culture. On the other hand, it seems difficult to find out any set of liberal thinking which are shared by all liberal thinkers. As Jeremy Waldron points out, this is mainly because political theories in modern west have not been developed under any ideological rubric.¹⁰ To some extent, every major liberal author has his or her own theoretical system. Given the ultimate purpose of this study, the liberal concepts discussed in this thesis, such as individual rights, freedom, the social contract, constitutional state, the rule of law, the principle of humanity, the principle of justice, etc. are, to some extent like those Confucian concepts, well-known in modern China. This study will focus not on the more academically concerned problems in the philosophical study of these two traditions, but rather on the comparison of the commonly known, or to some extent ideologically fundamental, concepts and theories of liberalism and Confucianism, in order to serve the purpose of providing a new perspective in the context of present day China's political discussion.

The comparison itself is in three sections. The first chapter discusses the differences of liberalism and Confucianism. It is well known that, the major

¹⁰ Jeremy Waldron, *liberal rights-collected papers 1881-1991*, Cambridge University Press, 1993. Chapter 2 Theoretical foundations of liberalism. p. 36.

concepts of liberalism such as individual rights, freedom, the state of nature, the social contract, democracy, etc., are largely absent in the political thinking of Confucianism, while the emphasis found in Confucianism on moral cultivation, the distinction between the morally superior and inferior men, the ideal of sage king, etc., seems also more or less contradictory to the political ideal of liberalism. However, it is not enough to simply point out these well-known differences. What is more important is to explain them in a systematic way, something that is made possible, first of all, because liberalism as a form of political philosophy is presented in an analytical and systematic way. The writings of authors such as Hobbes, Locke, Mill, Hume or Rawls constitute theoretical systems where various notions are highly interrelated conceptions, even if the systematicity of one author is different from the systematicity of another. To the opposite those major Confucian texts such as *The Analects* (『論語』), *Mengzi* (『孟子』), etc. are not systematically written. *The Analects* is a collection of short conversations among Confucius and his disciples. *Mengzi* is a collection of Mencius' eloquent arguments concerning many topics. By comparing the theoretical system of liberalism with Confucianism, we are thus trying to draw out and construct a system of concepts out of those very unsystematic Confucian texts. The comparison will in consequence necessarily constitute a form of reinterpretation of Confucianism.¹¹

¹¹ Compared to the texts of *The Analect* and *Mencius*, the writing of Xun Zi (荀子) is more systematic. However, the position of Xunzi in ancient China is ambiguous. One reason is his relation to the school of Legalism. Two most important figures of Legalism, Li Si, the minister of the First Emperor, and Han Feizi, were all Xun Zi's students. Another reason lies in Xunzi's theory

In the second chapter I will explore some underlying, but implicit, similarities between liberalism and Confucianism. To give just one example, in liberalism, the role of the state is to guarantee individual rights, while in Confucianism, the role of the state is to promote the cultivation of virtues. Underlying this difference is the similarity between liberalism and Confucianism as far as the fundamental structure of the theories is concerned, say, the dialectical relationship between the individual, the state, and the people. Furthermore, these underlying similarities of their political theories are corresponding to some essential similarities between their moral philosophies. The third chapter will further discuss the moral theory of liberalism, mainly represented by the work of David Hume and compare it with the fundamental moral principles of Confucianism. Here from a different perspective of analysis, the underlying similarities of liberalism and Confucianism will become more obvious.

The comparison carried out in part one of the thesis is a form of theoretical dialogue between liberalism and Confucianism. Its aim is to bring into view that, though essentially different in many ways, liberalism and Confucianism are not really contradictory. Moreover, the underlying similarities between them make it possible to combine these two forms of political thinking in dealing with the political problem of modern China.

The second part of the thesis compares a model of the modern nation state and a model of ancient Chinese state. Modern nation state and ancient

on human nature, which is completely different from Mencius's argument of the goodness of human nature. I will in this thesis focus mostly on *The Analects* and *Mencius* rather than *Xunzi*.

Chinese state constitute the claimed goal of China's modernization and the object to be transformed respectively. The ultimate goal of this comparison is to provide a perspective to understand the problem with the concept and the process of China's political modernization.

The second part of this comparison will put forward a model of the modern nation state. Methodologically, the way to construct an abstract model of the modern nation state here is somewhat similar to the way Tocqueville described the 'ancient regime'. Our model will be an 'ideal type,' to use Max Weber's term. Though it does not correspond to any real state, it nonetheless might bring into the open the main characteristics of modern nation states. The model is not confined to the sole internal structure of the modern nation state, it also draws a (albeit sketchy) picture of the international system, as well as the world system dominated by modern nation states. In consequence China, as a non-modern-nation-state also has its place in this system and model. Moreover, and somewhat different from the Weberian 'ideal type' which is essentially static, this model of the modern nation state is to some extent dynamic. The interaction between the many elements inside the model will lead to changes in the nation state and at last to the collapse of the model itself.¹²

In comparison with the model of the modern nation state I will construct a model of the ancient Chinese state. In this case also this examination is not a historical study of ancient China's political system, but rather an attempt to

¹² This is important because modern nation states, as targets of China's modernization changed importantly between the time China was forced to embark on this project and today.

make clear the essential characteristics of the political construction of the ancient Chinese state. The comparison between the two models reveals some striking similarities between the political structures of these two, at first sight quite different, political entities. At the same time, it brings out essential differences of the world system of the ancient Chinese state and that dominated by modern nation states, as well as the fundamentally different patterns of political violence in the two systems.

In first part of the conclusion, the implications of the comparison of the modern nation state and ancient Chinese state for China's political modernization and its problems will be examined. The main argument is that, on the one hand, the political tradition of ancient China in many ways facilitated China's modernization process, but on the other hand, it also constitutes the underlying reason for China's failure to fully modernize its political system. However, at this point it will become necessary to reexamine the meaning of the concept political modernization, as well as to reevaluate what the goal of China's further political reform should be. The subsequent part of the conclusion will discuss how liberalism and Confucianism, more precisely how a transformation and combination of liberalism and Confucianism, can provide a philosophical answer to China's political problem. Finally, the limitation of this study as well as the need for further research will be addressed.

Part I Comparing Liberalism and Confucianism.

Chapter 1 Differences of the political philosophies of liberalism and Confucianism

The systematic structure of liberalism has two primary levels of description. The first is that of individual rights, freedom, equality, etc., and the second that of state theory which argues for a liberal constitutional state. According to liberalism, one of the fundamental roles of the state is to guarantee individual rights and freedoms. In Contrast, as mentioned in the introduction, it is clear that there is no such an analytical system in the classical writings of Confucianism. However, we can nonetheless discern in Confucianism an implicit two-level structure that is similar to that of liberalism. At the first level, we find discussions of individual virtues, while the second level centers on the argument for benevolent government. In Confucianism, the state's most important role is to promote the cultivation of the people's virtues. Having briefly noted this structural similarity, we will now proceed to compare liberalism and Confucianism. In this chapter, we will mainly discuss in two steps the differences between them that reflect the two analytical levels we identified: firstly by comparing the core concepts of rights and virtues in the first three subsections, and secondly by comparing their different theories of the state in the last four subsections.

1.1 Equal rights and unequal virtues

One of the core concepts of liberalism is that of individual rights, such as the right to self-preservation, the right to private property, the right of free expression, etc. In contrast, Confucianism is primarily concerned with human virtues, such as humanity (ren /仁), righteousness (yi/義), propriety (li/礼), wisdom (zhi/智), faithfulness (xin/信), etc. One evident difference between the concepts of rights and virtues is that rights are given, and equally given, to every individual, while virtues need to be cultivated and therefore the resulting level of virtues might be quite different among people. Liberalism sees individuals as equal moral agents and claims that they should have equal rights. Confucianism for its part argues that human beings should always cultivate their virtues. Consequently those who have acquired a higher degree of virtues are regarded as morally superior to those who have acquired less. Thus, the liberal concept of rights implies a kind of moral equality, while the Confucian concept of virtues leads to forms of moral inequality.

1.2 Negative freedom and the pursuit of complete virtues

In liberalism, closely related to the concept of right is that of freedom or liberty. In classical liberalism, individual rights are interpreted as liberty. If a person has a right to do something, then he or she is free to do it, and nobody should (has the right to) prevent him from doing it. According to Hobbes, the right of self-preservation in the state of nature means that the individual is free to do whatever he thinks fit for his self-preservation. As Hobbes says,

“The right of nature... is the liberty each man hath, to use his own power, as he will himself, for the preservation of his own nature; that is to say, of his own life; and consequently, of doing anything, which in his own judgment, and reason, he shall conceive to be the aptest means thereunto.”¹³

The interpretation of freedom changes somewhat when we are in the context of civil society where formal or legal rights have already been established. According to John Stuart Mill, freedom means that you can do whatever you want to do as long as what you do does not threaten (impeach on) the liberty of others. Mill writes: “The only part of the conduct of any one, for which he is amenable to society, is that which concerns others. In the part which merely concerns himself, his independence is, of right, absolute. Over himself, over his own body and mind, the individual is sovereign.”¹⁴ Isaiah Berlin argues that the concept of liberty or freedom in liberalism is a negative conception of liberty in the sense that within the framework of laws individuals should be able to pursue different ends without being interfered by others.¹⁵

To some extent, the concepts of right and freedom in liberalism have liberated individuals from public moral judgments. They in a sense, allows the person to be non-virtuous, morally-disgusting, nasty, etc., as long as her behavior concerns only herself and does not harm others.¹⁶ In contrast, the

¹³ Thomas Hobbes, *Thomas Hobbes Leviathan*, volume two, Continuum international publishing group, 2005. p. 104.

¹⁴ John Stuart Mill, *On Liberty and Other Essays*, Oxford University Press, 2008. p. 14,

¹⁵ Berlin, Isaiah, *Four essays on liberty*, Two Concepts of Liberty, Oxford : Oxford University Press , 1979.

¹⁶ This does not mean that liberalism as a political philosophy is immoral.

concept of human virtue in Confucianism defines what a human being should morally become, and in consequence seems rather opposite to the liberal concept of freedom. According to Confucius, the perfect virtue of *ren* should constitute the ultimate and lifelong pursuit of human beings, and he actually sees it as the call of the *Heaven* (天). Confucius says that "The determined scholar and the man of virtue will not seek to live at the expense of injuring their virtue. They will even sacrifice their lives to preserve their virtue complete."¹⁷ Mencius inherited Confucius's concept of *Heaven* and applied it to his own theory of human nature. According to Mencius, nature is what the *Heaven* has given to us. To try to understand this and to make great effort to nourish one's nature and to cultivate the perfect human virtue with single-mindedness is the way toward self-realization and the fulfillment of the calling of the Heaven.¹⁸ In other words, in Confucianism, to cultivate

Actually liberalism corresponds to a type of moral theory that is very different from traditional ones as will be discussed later on.

¹⁷ *The Analects*, 15/9. *The four books: Confucian Analects, The great learning, The doctrine of the mean, and The works of Mencius*. With English notes and translation by James Legge, the Chinese Book Co., 1930, p. 223. For the convenience of those who could read Chinese, I also put the original Chinese text in the footnotes. 『論語』「衛靈公」第9章、子曰：「志士仁人，無求生以害仁，有殺身以成仁。」 My understanding of the Analects is mainly from the book 『論語正義』 劉寶楠撰；高流水點校、北京：中華書局、1990年。

¹⁸ In chapter 1 of *Jin xin I* of *Mencius*, Mencius said, 'He who has exhaustively studied all his mental constitution knows his nature. Knowing his nature, he knows Heaven. To preserve one's mental constitution, and nourish one's nature, is the way to serve Heaven. When neither [the thought] of premature death nor [that] of long life causes a man any double-mindedness, but he waits in the cultivation of his personal character for whatever issue, — this is the way in which he establishes his [Heaven-]ordained being.' James Legge, *The Life And Works of Mencius: With Essays*

one's virtues equals to the pursuit of the completeness of one's humanity, something which, according to Berlin, may be described as a form of positive freedom that is, he argues, essentially different from the negative sense of freedom found in liberalism.¹⁹

1.3 Individual rights and social virtues

Another obvious difference between liberalism and Confucianism is that liberalism is essentially individualist while Confucianism is not. According to liberalism, the human being exists first of all as an individual. Correspondingly, rights are individual rights, and mainly concern an individual's own life, property, expression, movement, etc. Similarly the negative freedom of liberalism also essentially refers to the absolute independence of a person "in the part which merely concerns himself". In liberalism, the rights with which all individuals are naturally endowed are ultimate and inalienable; not influenced by the structure of the society. Rather, it is the state and society that are to be constructed on this individualist basis.

Confucian virtues, to the opposite, are essentially social virtues. The most important concept in *The Analects* is *ren* (仁), which is translated into English as human-heartedness, humanity, the perfect virtue, etc. The

and Notes, Reprint. Originally published: London : Trübner, 1875. pp.343-344. 『孟子』「盡心上」第一章、孟子曰：「盡其心者，知其性也。知其性，則知天矣。存其心，養其性，所以事天也。殀壽不貳，修身以俟之，所以立命也。」 My understanding of Mencius is mainly from the book 『孟子正義』 [清] 焦循著、岳麓書社、1996年。

¹⁹ Berlin, Isaiah, *Four essays on liberty*, Two Concepts of Liberty, Oxford : Oxford Univ.Pr. , 1979.

Chinese character *ren* has two parts, the left part is human (人) and the right part is two (二). Confucius uses the concept of *ren* to define the complete or the most fundamental virtue of a human being in his relationship with others. Another very important concept in Confucianism is *li* (礼), which could be translated as propriety in the case of individual cultivation. Similarly, *li* refers to the proper manner and conduct of a person in her relationship with others. Thus, in Confucianism, human beings as individuals are not prior to society, and their virtues have to be cultivated in society.

1.4 The state of nature and the rule of the sage king

Both liberalism and Confucianism argue that society should be organized as a state with a centralized political power, but they have different interpretation of this necessity. A frequent starting point for liberal authors is the state of nature. For most authors, the state of nature is basically a theoretical hypothesis, which describes a pre-political condition, i.e. the situation prevailing prior to the existence of political power. According to Hobbes, in the state of nature, every individual has an absolute right of self-preservation. But this very right, where there is no common power to assure its proper application, will lead to the situation of war of everyone against everyone. As a result, individuals live in poor and dangerous circumstances, and the goal for which this right exists, self-preservation, cannot be reached. In a sense, it is not only the goal, but also the right itself that cannot be realized, and in that sense which does not exist. In order to get out of this miserable situation and to realize the right of self-preservation, a

unified political power of state should be established to guarantee the security of all and the order of society. Locke's version of the state of nature is less dark than that of Hobbes. For Locke, a central political power is needed in order to get out of the 'inconveniency' of the state of nature. However, notwithstanding their differences, the logics of these two authors concerning the state of nature are basically the same: the early stages of society were disastrous and had to be abandoned.

Confucianism for its part claims that the ideal political system is not its own theoretical innovation, but has models in antiquity, in the rule of the ancient sage kings, such as Yao/尧, Shun/舜, Yu/禹, Tang/汤, Wen/文, Wu/武. Confucius describes himself as, 'a transmitter and not a maker, believing in and loving the ancients.'²⁰ In Confucian classics, we can nonetheless find descriptions of the situation in 'the remote antiquity' (上古), which in some way illustrate a 'state of nature' in Confucianism.²¹ However, in

²⁰ *The Analects* 7/1. *The four books: Confucian Analects, The great learning, The doctrine of the mean, and The works of Mencius*. With English notes and translation by James Legge, the Chinese Book Co., 1930, p.78. 子曰：「述而不作，信而好古」

²¹ In *Liji*/『礼記』 or *The Book of Rites* there is a paragraph saying: Formerly the ancient kings had no houses. In winter they lived in caves which they had excavated, and in summer in nests which they had framed. They knew not yet the transforming power of fire, but ate the fruits of plants and trees, and the flesh of birds and beasts, drinking their blood, and swallowing (also) the hair and feathers. They knew not yet the use of flax and silk, but clothed themselves with feathers and skins. The later sages then arose, and men (learned) to take advantage of the benefits of fire. They molded the metals and fashioned clay, so as to rear towers with structures on them, and houses with windows and doors. They toasted, grilled, boiled, and roasted. They produced must and sauces. They dealt with the flax and silk so as to form linen and silken fabrics. They were thus able to nourish the living, and to make offerings to

Confucianism the 'state of nature' is more concerned with primitive living conditions or technological backwardness in remote antiquity than with social disorder. According to Confucianism, the sage kings put an end to the early condition of humankind as found in remote antiquity and began the civilized period of antiquity, not only by developing means for living, cooking, and clothing to improve the welfare of people, but also by inventing the system of rites to organize and harmonize the society.²² However, later on with the death of the sage kings and the rise of the tyrants, the system of rites were abused or abolished and the society fell into disorder. The proclaimed goal of Confucianism is to restore the good system of governance found in antiquity, and its theoretical discussion is to justify this ideal.

Thus, if the state of nature in liberalism is a kind of anti-ideal from which we move away by establishing the state, the rule of the sage kings in Confucianism is a form of 'golden age' towards which we should aim. In other words, if the golden age of the sage kings constitutes for Confucian authors a kind of positive alternative situation to the present condition of men towards which we should aim, the state of nature, according to authors such as Hobbes and Locke, is the negative alternative situation in which a society

the dead; to serve the spirits of the departed and God. In all these things we follow the example of that early time. *Li chi : Book of rites : an encyclopedia of ancient ceremonial usages, religious creeds, and social institutions*, translated by James Legge, pp. 369-370. 昔者先王，未有宮室，冬則居營窟，夏則居橧巢。未有火化，食草木之實、鳥獸之肉，飲其血，茹其毛。未有麻絲，衣其羽皮。後聖有作，然後修火之利，范金合土，以為臺榭、宮室、牖戶，以炮以燔，以亨以炙，以為醴酪；治其麻絲，以為布帛，以養生送死，以事鬼神上帝，皆從其朔。

²² This is what the whole chapter Liyun/礼運 (or The Conveyance of Rites) in *Liji*『礼記』 or *The Book of Rites* is talking about

might fall back to, especially in the case of civil wars. The state theory of liberalism explores how we can get out of the state of nature, while Confucianism tries to provide an original justification for pursuing the golden age of the sage kings. As far as the structure of the theory is concerned, the state of nature constitutes an indispensable part of liberal state theory, while the kingdom of the sage kings remains merely an ideal for Confucianism. In liberalism, the core concept of individual rights already existed in the state of nature, though individuals need to establish the state to guarantee their rights. In spite of its apparently conservative, backward looking explanation, Confucianism actually put forward an original theory to justify its pursuit of the ideal golden age, the argument that human virtues constitutes the foundation of benevolent government.

1.5 The social contract vs. the rule of morally superior men

Generally speaking, in Liberalism, it is through a social contract that a commonwealth will be established. Hobbes defines a commonwealth as 'one person, of whose acts a great multitude, by mutual covenants one with another, have made themselves every one the author, to the end he may use the strength and means of them all, as he shall think expedient, for their peace and common defense.'²³

The establishment of the state constitutes the transformation from the pre-political state of nature to the political unity of all individuals. In the state of nature every individual could use violence to protect his own person,

²³ Hobbes, *Thomas Hobbes Leviathan*; volume two. p. 137. Continuum international publishing group, 2005.

while in an established commonwealth all individuals give up the right to use violence and transfer it to the sovereign power of the state. In a way, the state constitutes the negation of the state of nature and the sovereign power imposes essential restrictions on how individuals can protect their rights.

A central idea behind social contract theory is that the sovereign is the representative of the people, and that the subjects are the authors of the power to which they are subjected. The legitimacy of the state power is based on the agreements of all individuals; individuals *voluntarily* forsake their right to use violence and transfer it to the state. Unlike Hobbes, who argues that once a Leviathan is established, the subjects lose all right to revolt or rebel,²⁴ Locke argues that the social contract also allows subjects to overthrow a tyrannical government. It later on became common sense within liberalism that citizens have equal political rights and that the legitimacy of the state should periodically be reconfirmed through democratic elections.²⁵

In Confucianism the government is needed to promote human virtues. As mentioned earlier, the virtues advocated by Confucianism are essentially socially defined. People cultivate their virtues in their relationship with each

²⁴ It is true that Hobbes recognizes that a criminal about to be executed has the right to resist. However, there is a difference between the individual's right to protect his or her own life and a political right to rebellion, something which Hobbes rejects.

²⁵ It is true that both Hobbes and Locke argue that social contract is compatible not only with democracy but also with monarchy and oligarchy. But today the general conception of democracy is closely related to the process of choosing government through universal elections. Democracy understood in this way is clearly related to and can be justified by the social contract theory, which might to some extent explain why democracy has become a central claim of modern liberal political thinking, though it was not so important in the early writings of liberalism.

other. Accordingly, a well ordered society should facilitate its members' cultivation of human virtues. According to Confucianism, in order to pursue the perfect virtue himself, a person must try to promote the virtues of others as well. Confucius says, 'Now the man of perfect virtue, wishing to be established himself, seeks also to establish others; wishing to be enlarged himself, he seeks also to enlarge others.'²⁶ The best way to contribute to people's cultivation of human virtues is through serving the state. When Yanyuan, one of his best disciples, asked him about *ren* (the perfect human virtue), Confucius answered that *ren* is to take upon yourself the mission of restoring the system of *li* (rites). Here, *li* is interpreted as the ideal social and political institutions of Zhou dynasty.²⁷

In Confucianism, it is the responsibility of the morally superior men (君子) to serve the state and to promote the welfare and order of society. Zilu, one of Confucius disciples, says, 'Not to take office is not righteous...A superior man takes office, and performs the righteous duties belonging to it.'²⁸ And Zixia,

²⁶ *The Analects*, 6/28. *The four books: Confucian Analects, The great learning, The doctrine of the mean, and The works of Mencius*. With English notes and translation by James Legge, the Chinese Book Co., 1930, p.77. 夫仁者，己欲立而立人，己欲達而達人。

²⁷ *The Analects*, 12/1. 克己復禮為仁。There are different understandings of the meaning of this sentence. Here, I takes LIU Yongji's interpretation in his *A Critique of Chinese Bureaucratic Culture*. 『中国官文化批判』刘永佶著，北京：中国经济出版社，2000年。A different translation is 'To subdue one's self and return to propriety, is perfect virtue.' See *The four books: Confucian Analects, The great learning, The doctrine of the mean, and The works of Mencius*. With English notes and translation by James Legge, the Chinese Book Co., 1930, p. 155.

²⁸ *The Analects*, 18/7. *The four books: Confucian Analects, The great learning, The doctrine of the mean, and The works of Mencius*. With English notes and translation by James Legge, the Chinese Book Co., 1930, pp. 278-280. 不住無

another disciple of Confucius, says that, 'The officer, having discharged all his duties, should devote his leisure to learning. The student, having completed his learning, should apply himself to be an officer.'²⁹ Actually, many of Confucius' outstanding disciples went on to serve different governments. And Confucius himself spent many years traveling from one state to another, trying to persuade rulers to adopt his political thinking.

Thus, there is a clear difference between liberalism and Confucianism as far as the way to establish the state is concerned as well as far as the goal of the state is concerned. In liberalism, on the one hand, the social contract constitutes a restriction on the free use of individual rights; on the other hand, the legitimacy of the state is based on the agreement of all its members. There is however no dialectical relation comparable to that which exists in Confucianism between individual virtues and the public virtue of the state. To take office and serve the state is a kind of extension or expansion of human virtues. Moreover, because rights are equally given to every individual political equality constitutes a primary principle in liberal state theory. In social contract theory, it is fundamental for every individual to agree with the terms establishing the central power. Or more generally, in liberal democracy, every citizen in principle has an equal political right to participate in electing the state's leader. In contrast, virtues need to be cultivated with effort and in consequence cannot be 'equal' among all; the concept of political equality is

義...君子之仕也，行其義也

²⁹ *The Analects*, 19/13. *The four books: Confucian Analects, The great learning, The doctrine of the mean, and The works of Mencius*. With English notes and translation by James Legge, the Chinese Book Co., 1930, p. 291. 仕而優則學，學而優則仕

unsurprisingly absent from Confucianism. It is only the responsibility of morally superior men to pursue state officialdom and to run the government. Morally inferior people, who are also designated as 'small men'//小人, do not have any say in state affairs. Thus, though the goal of the Confucian state is also to promote the welfare of the people, it is essentially not a representative state.

1.6 The constitutional state and the benevolent state

As for the state form, liberalism is more concerned with the institutional restrictions of the state power, while Confucianism pays more attention to the morality of the ruler and the justice of his rule. The liberal state is essentially a constitutional state; the power of the state and the structure of the government are constitutionally defined. As pointed out above, individual rights and freedom are the ultimate concerns of liberalism; the end of the state power is to guarantee individual rights and freedom. Liberalism is thus very much concerned with threats to individual rights and freedom that might come from the public authority. Constitutional safeguards are designed to protect individual liberty. The focus of liberal state theory then is to build institutions that make it difficult, if not impossible, for public powers to violate the fundamental rights of individuals.

One major principle underlying these institutions is the separation and balance of power, which was famously expounded by Montesquieu. In *The Spirit of Laws*, Montesquieu points out that there can be no liberty if all the powers of the state are united in the same person or in the same body of

magistrates. Accordingly, he proposed that the legislative, executive and judicial powers should be exercised by various branches of government. These and other constitutional restraints of state power are designed to solve the problem that the government, whose function is to guarantee individual rights, can constitute a threat to individual rights and liberty.

Compared to liberalism which is centrally concerned with the institutional structure of the state, Confucianism is more concerned with the morality of the ruler. In Confucianism, government officials should be chosen from persons of great virtue and worth, and the ideal king should be a sage, a person who is perfectly virtuous and wise. Mencius explicitly proposes the concept of benevolent governance (仁政), which means to rule with *ren*/仁 (benevolence) and *yi*/義 (justice). According to Mencius, since the ideal king has a mind which cannot bear to witness the sufferings of others, he will lead a virtuous government which likewise cannot endure any suffering of the people.³⁰ One famous saying in Mengzi says: 'The people are the most important element [in a country]; the spirits of the land and grain are the next; the ruler is the lightest. Therefore to gain the peasantry is the way to

³⁰ *Mengzi*, Gong Sun Chou I/6. Mencius said, 'All men have a mind which cannot bear [to see the sufferings of] others. 'The ancient kings had this commiserating mind, and they, as a matter of course, had likewise a commiserating government. When with a commiserating mind was practiced a commiserating government, to bring all under heaven to order was [as easy] as to make [a small thing] go round in the palm.' James Legge, *The Life And Works of Mencius: With Essays and Notes*, Reprint. Originally published: London : Trübner, 1875. pp.173-174. 『孟子』公孫丑上、第6章、孟子曰：「人皆有不忍人之心。先王有不忍人之心，斯有不忍人之政矣。以不忍人之心，行不忍人之政，治天下可運之掌上。」

become the son of Heaven...'³¹ Only if the policies promulgated by the king are on behalf of the people, will his subjects delight in obeying him, and more people will come to live in his kingdom. In consequence, the state will become powerful and will be able to avoid destruction from other strong states.

1.7 The rule of law or the system of rites

For liberalism, the primary function of the state is to safeguard individual rights and freedom through the rule of law. As Bobbio points out, through the rule of law, individual rights are transformed from a system of rights in the weak sense, that is to say, of natural rights in the state of nature, to a system of rights in the strong sense, that is, of legal rights guaranteed by state power.³² However, which rights should individuals have and should the state guarantee is an open question. Generally speaking, as T. H. Marshall pointed out, in history individual rights slowly expanded from civil to political rights, and then to social rights.³³ Originally, liberalism was mainly concerned with civil rights, such as the right to life, the right to property, freedom of speech, freedom of movement, etc. This is in agreement with the fundamental liberal idea of the autonomy of civil society and of non-interference on the part of the state. The role of the state is only to guarantee the basic conditions of civil society through the rule of laws. The concept of social rights and the

³¹ *Menzi*, Jin Xin II/ 14. James Legge, *The Life And Works of Mencius: With Essays and Notes*, Reprint. Originally published: London : Trübner, 1875. p. 371. 『孟子』盡心下、第 14 章、孟子曰：「民為貴，社稷次之，君為輕。是故得乎丘民而為天子...」

³² Norberto Bobbio, *The Age of Rights*, translated by Allan Cameron, p. 47-60, Polity Press, 1996

³³ T. H. Marshall, *Citizenship and Social Class*, Pluto Press, 1992.

institution of welfare state are a later development in liberalism. It is now generally agreed that the state has a responsibility to provide a minimum level of social security to all of its citizens, including education, medical care, etc.³⁴

In Confucianism, to the contrary, the major role of the state is to promote the moral order of society through the system of rites. According to Confucius, the king should rule with virtues/德 and according to *Li*/禮 (the system of rites). Confucius argues that the rule of virtues and rites is essentially superior to ruling with punitive laws. The system of laws can only be a supplement to the system of rites. Punishing the people without first educating them is tyranny, says Confucius. 'If the people be led by laws, and uniformity sought to be given them by punishments, they will try to avoid the punishment, but have no sense of shame. If they be led by virtue, and uniformity sought to be given them by the rules of propriety, they will have the sense of shame, and moreover will become good.'³⁵

Confucianism further argues that that cultivation of human virtues is only possible when the people enjoy moderately comfortable living conditions. Thus, before educating its people and promoting their social morality, the

³⁴ However, since the guarantee of social rights requires state interference and the redistribution of resources, the position of liberalism towards social rights remains ambiguous. Some conservative liberal authors, such as Hayek, see the concept of social right as exterior and contradictory to liberalism. Others, like Marshall and Rawls, regard social rights as the natural consequence of civil and political rights, and thus as an integral part of liberalism.

³⁵ *The Analects*, 2/3. *The four books: Confucian Analects, The great learning, The doctrine of the mean, and The works of Mencius*. With English notes and translation by James Legge, the Chinese Book Co., 1930, p. 13. 子曰：「道之以政，齊之以刑，民免而無恥；道之以德，齊之以禮，有恥且格。」

benevolent state must first of all guarantee their basic subsistence through equal distribution of lands and proper management of the economy.

Thus, as far as the function of the state is concerned, the primary concern of liberalism is to guarantee individual rights and liberty through the rule of laws. The state is not supposed to interfere with the autonomy of civil society. It is only later on that liberalism began to acknowledge that the state should provide minimal social security to its citizens. To the contrary, the primary role of the Confucian state is to promote human virtues with the system of *li* or rites. In order to do this the Confucian state must first of all directly interfere with the economy to guarantee a good living to all its subjects.

Conclusion

In conclusion, liberalism and Confucianism appear as two very different traditions of political thinking. In liberalism, individuals are regarded as morally equal; rights are equally given to all, and are independent of social structures and relationship. Individual freedom is understood in a negative sense; as long as a person does not harm others, one can do whatever he or she wants to do, even if that person's behavior is regarded as wrong by others. To the contrary, Confucianism urges persons to pursue virtues, such as *ren* or humanity and *li* or propriety. Virtues have to be cultivated in social relationships among people, and with great effort throughout one's life; as a result, the level of virtues among various individuals will be very different. Confucianism thus distinguishes morally superior gentlemen and morally inferior little men.

Differences between the core concepts of the respective state theories of liberalism and Confucianism are also very important. In liberalism, it is in order to get out of the miserable condition that is the state of nature that a central state power is needed. All individuals have equal political right to participate in and to sign the social contract. Liberalism is also centrally concerned with the issue of the balance of power among different institutions and with constitutional constraints on state power. Finally society is mainly governed through the rule of law. In contrast, Confucianism takes the rule of the ancient sage kings in the antiquity as the golden age. Its whole theory is to justify the pursuit of this political ideal. In Confucianism, only morally superior men have the right to pursue government officialdom and to participate in state rule. Morally inferior little men, which constitute the majority of the people, have almost no say in politics. Confucianism emphasizes the morality of the ruler and advocates benevolent government. Society should be ruled with the system of rites rather than with punitive laws.

However, notwithstanding the very clear differences between them, as we will see in the following chapter, there also are important underlying similarities between the political philosophies of liberalism and Confucianism.

Chapter 2 Similarities between the political philosophies of liberalism and Confucianism

2.1 Inequality based on equality

As noted earlier, rights in liberalism are equally given to all, while in Confucianism virtues have to be cultivated and will in consequence differ among different persons. However, we cannot draw from this difference the simple conclusion that there is room for social equality only in liberalism, but not in Confucianism. Actually both liberalism and Confucianism justify their claims concerning rights and virtues with reference to the concept of nature. And equality constitutes a fundamental dimension of human nature in both liberalism and Confucianism.

In liberalism, equality can first be found in the state of nature. For Hobbes, in the state of nature, the capacity of body and mind of every individual should be regarded as largely equal, and the most powerful human passion is, according to him, the fear of violent death and the desire for self-preservation.³⁶ From this equality follows the fundamental moral claim that, in the state of nature each individual has an equal natural right to self-preservation. As time went by, the list of individual rights in the liberal tradition expanded. Already Locke, recognizes apart from the right to

³⁶ For the claim that the capacity of every individual should be regarded as equal, one reason Hobbes mentions, is that if he or she joins with others or through ruse, even the weakest one can kill the strongest one. Another reason is because everyone regards himself or herself as the best. Hobbes, *Leviathan*, chapter 13.

self-preservation, the right to property as a primary individual right that is present in the state of nature, and which is justified by the individual's desire to pursue the means of happiness. Thus, liberalism draws the justification of equal rights directly from the 'equal' objective condition of all individuals in the state of nature. That is: a largely equal capacity in mind and body, and the same overriding passions, the fear of violent death and desire for a good life. More generally in liberalism, and not only in Hobbes, there is a kind of pre-political equality which is preserved when men enter into the political order and that is central for its construction.³⁷

The concept of equality however also has its place in Confucianism, in the discussion of human nature. Mencius (孟子), the most famous Confucian theorist after Confucius, provides a justification for advocating the cultivation of virtues by relating them to human nature. Mencius argues that human nature is essentially good, and that every human being *equally has in his nature the beginnings or sprouts of the virtues*. He says, every human being naturally has the feelings of sympathy, shame, kindness, and right and wrong, without which one would not be a human being. It is these natural feelings that constitute the sprouts of the virtues advocated by Confucianism such as humanity, righteousness, propriety, and wisdom.³⁸ If these four

³⁷ This kind of equality is also presupposed in John Rawls's original position through the device of the veil of ignorance. John Rawls, *A Theory of Justice*, London: Oxford University Press, 1973.

³⁸ *Mengzi*, Gong Sun Chou I/6. 'Looking at the matter from this case, [we may see that] to be without this feeling of distress is not human, and that it is not human to be without the feeling of shame and dislike, or to be without the feeling of modesty and complaisance, or to be without the feeling of approving and disapproving. That feeling of distress is the principle of benevolence; the feeling of shame and dislike is the principle of righteousness; the feeling of

beginnings are allowed to reach their complete development, any person will become a virtuous man, or even a sage.

Thus, in Confucianism, the virtues which are said to have their foundation in human nature are at that basic level given to every one equally. It is a primary proposition in Confucianism that everyone equally has the possibility or potentiality to develop his virtues and to become a sage. If we raise here Sen's question: 'the equality of what?' we will find that, in liberalism, the answer is the equality of rights, while in Confucianism, it is the equality in the foundation of virtues, that is to say, the goodness of human nature. Equality in both liberalism and Confucianism is thus essentially present at the same level, that of human nature.³⁹

It is true that according to Confucianism virtues must be cultivated with effort. In consequence down the road of individuals' cultivation of virtues, persons may be quite different. Those who have acquired a higher degree of virtue will be considered superior to those who acquired less. In this sense equality is clearly absent here. Yet, even if the basic equality found in the state of nature is central to the existence of equal individual rights in liberalism, equal rights do not entail equality in all aspects of human life. For

modesty and complaisance is the principle of propriety; the feeling of approving and disapproving is the principle of knowledge. Men have these four principles just as they have their four limbs....' James Legge, *The Life And Works of Mencius: With Essays and Notes*, Reprint. Originally published: London : Trübner, 1875. p. 174. 『孟子』公孫丑上、第6章、由是觀之，無惻隱之心，非人也；無羞惡之心，非人也；無辭讓之心，非人也；無是非之心，非人也。惻隱之心，仁之端也；羞惡之心，義之端也；辭讓之心，禮之端也；是非之心，智之端也。人之有是四端也，猶其有四體也。

³⁹ Amartya Sen, 'Equality of What?' in *Inequality Reexamined*, Oxford University Press, 1992.

example, in the case of property right, as far as the right per se is concerned, it is equally given to all individuals, but the freedom to accumulate as much property as one desires or can inevitably leads to economic inequality. In this case, liberal individual rights rather constitute a pre-condition or justification of the legitimacy of economic inequality. Thus, both Confucianism and liberalism similarly justify certain forms of social inequality by reference to difference in agents' effort and wisdom, as long as they proceed from an original position of equality.

2.2 Reciprocity as the principle of human relationships

Another important difference between rights and virtues is that in liberalism rights are equally given to all individuals independently of the social relations in which they are engaged, while in Confucianism human beings can only acquire and practice their virtues in the context of their social relationships. It seems that, according to liberalism, what kind of social relations individuals create is a question of freedom, while Confucianism dictates how people should behave in society. This however is not quite true when looked at from a higher level of abstraction. Both individual rights and human virtues essentially deal with the same fundamental problem: to define the basic principle of human relationship. And both of them similarly propose something like reciprocity as the fundamental principle of social relations.⁴⁰

⁴⁰ In the writings of John Rawls, it is clear that liberalism essentially bears on the basic structures of the society. John Rawls, *Political Liberalism*, expanded version, Columbia University Press, 2005.

In liberalism, individual rights constitute a framework which limits and constraints all possible social relationships. Since the concept of individual right is absolute and universal, it implies that all others have a duty to respect, or not to violate a person's rights. On the other hand, though the concept of right is absent in Confucianism, it is not difficult to discern behind one's moral obligation to others something that is close to right when viewed from the position of those 'others'. For example, the important Confucian virtue of a son to be filial (孝) to his father implies that the father is somewhat entitled to enjoy his son's filial piety, or in a slightly different language that the father has the 'right' to expect his son to be filial to him. Moreover, in Confucianism, corresponding to the son's obligation to be filial to his father, is the father obligation to be kind (慈) to his son, which also implies that the son has something like a 'right' to his father's kindness.

Even though Confucianism is not individualist as liberalism is, Confucianism is also by no means a form of totalitarianism. As the above example shows, in Confucianism, family relations, here the relation between father and son, are important, but this does not mean that the social organization of family is more important than individuals themselves. Rather, the importance of family relations is due to their place in the cultivation and practice of each individual's (either as father or son) virtues. Though virtues such as the father's kindness and the son's filially can only be cultivated inside relationships, they are nonetheless subjective virtues of individual human beings.

Thus, if in liberalism right implies duty, there is a sense in which in

Confucianism, duty implies 'right' or at least a reasonable expectation which, like a right, forms the basis of a person's morally justified claim. Behind both rights and virtues then is the principle of reciprocity. When his disciple Zigong asked him, 'is there one word which may serve as a rule of practice for all one's life?' Confucius answers, 'is not *reciprocity* such a word? What you do not want done to yourself, do not do to others.'⁴¹ This answer is exactly the same as Hobbes' description of the sum of the laws of nature: 'not to treat others as you do not wish them to treat you'. When Kant discusses the formal rules of moral practice, he proposes the first formulation of the categorical imperative as that your maxim of action could become a universal law, which means that the rules of action you adopt should be those which could also like adopted by all others. This is very similar to the Confucian concept of *shu*/恕, which means that you should put yourself in the position of others.⁴²

2.3 The dialectical relation between the state, the people, and the individual

As we discussed above, both individual rights and human virtues are in accordance with the same fundamental moral principle of social relationships – the principle of reciprocity, or more precisely the moral rule 'not to treat others as you do not wish them to treat you'. Rights imply duty in liberalism,

⁴¹ *The Analects*, 15/24. *The four books: Confucian Analects, The great learning, The doctrine of the mean, and The works of Mencius*. With English notes and translation by James Legge, the Chinese Book Co., 1930, p. 229. 子貢問曰：「有一言而可以終身行之者乎？」子曰：「其恕乎！己所不欲，勿施於人。」

⁴² For detailed comparison of Kant's moral philosophy and Confucian moral philosophy, see the works of MOU Zongsan. 『中国哲学的特质』 (The Characteristics of Chinese Philosophy) 牟宗三著, 上海：上海古籍出版社, 2007

while obligations imply something similar to rights in Confucianism. However, we must emphasize the meaning of the word 'imply' here. For liberalism in the state of nature, the right of self-preservation is absolute and unconditional, there is no corresponding duty. Even if the laws of nature can be regarded as indicating moral duties of sorts, they have no compulsory power at all. They can be, and actually are, easily ignored. It is only once the state is established that the duty to respect others' rights becomes 'legal' and enforceable, and in consequence that rights also become real. Similarly in Confucianism, it is only in a well governed society where social rules and customs are generally observed, that a person can have a legitimate expectation, something similar to 'rights' corresponding to the obligations of others. It is only inside a state through performing his or her obligations to others a person exercises the virtues which are underlying his or her actions. In other words, it is the state that makes the principle of reciprocity underlying both rights and virtues to be really applied in society.

Thus, notwithstanding all the differences between liberalism and Confucianism, we can discern a similar dialectical relationship between the moral powers of individuals and the state. Individual rights and virtues are the most primary claim in liberalism and Confucianism respectively, but neither rights nor virtues can essentially be 'realized' outside of a well-ordered society. Both liberalism and Confucianism regard the state as crucial to guarantee or to promote rights or virtues, the basic moral powers of individuals, in spite of the fact that both liberalism and Confucianism, tend to think of those basic moral powers as originally being in some way 'natural'.

However, in order to establish the state, individual rights and virtues must develop and somehow become more social and political. In liberalism, political participation in the social contract or in elections has become an individual right. In Confucianism, to establish all others through serving the government constitutes a further development of human virtues. It is through these enlarged rights and virtues that the state is established and maintained. In consequence the state gains its legitimacy essentially by its representing and institutionalizing enlarged political rights and virtues for all individuals, conceived as a people. Confucianism directly argues that the state should be benevolent. Liberalism or at least liberal democracy claims that the state is by the people, for the people, and of the people; the institutional restrictions imposed on in liberalism are to serve this end.

As mentioned earlier in liberal democracy, every citizen has an equal political right to participate in elections, while only the morally superior persons can pursue state officialdom, according to Confucianism. Nonetheless, something akin to the concept of representative government can be found in Confucianism. According to Mencius, a ruler can inherit power from the former ruler but he does not gain his legitimacy from the previous ruler, he gains it from the Heaven, as the Mandate of the Heaven. But Heaven does not speak and can only manifest its mandates through the people. "Heaven sees according as my people see; Heaven hears according as my people hear."⁴³ Thus, the legitimacy of state power depends on whether

⁴³ *Mencius*, Wan Zhang I/ 5. James Legge, *The Life And Works of Mencius: With Essays and Notes*, Reprint. Originally published: London : Trübner, 1875. p.281. 『孟子』萬章上、第5章、『天視自我民視，天聽自我民聽』

the ruler can gain the heart of the people. Should a 'so-called ruler' fail to gain the people's heart, he will lose that which makes him a ruler and become a 'mere fellow' who will be replaced.⁴⁴ Revolution, or rebellion, (革命) constitutes an important concept in Confucian political philosophy. In the *Book of Changes*, revolution against the early dynasties is said to follow the mandate of the Heaven and to respond to the will of the people⁴⁵ Thus, in Confucianism, though only the morally superior can become officials, the legitimacy of the state depends nonetheless on whether or not the people are happy with the state's rule and the people can take their support away from the present ruler and offer it to another.

Thus it may be that even if Confucian state theory at first sight seems very distant from the liberal ideals of political equality and legitimacy, it is perhaps not entirely in contradiction to the modern theory of democracy. Moreover, in liberalism, even if all individuals have equal political rights to elect the government, they are not expected to directly participate in running the state. This is a fundamental aspect of the theory of representative

⁴⁴ Mencius, Liang Huiwang II/8. King Seuen of Ts'e asked, saying, 'Was it so that T'ang banished Keeh, , and King Woo smote Chow? Mencius replied, 'It is so in the Records.' [The King] said, 'May a subject put his ruler to death?' The reply was, 'He who outrages benevolence is called a ruffian; he who outrages righteousness is called a villain. The ruffian and villain we call a mere fellow. I have heard of the cutting off of the fellow Chow; I have not heard of the putting a ruler to death [in this case].' James Legge, *The Life And Works of Mencius: With Essays and Notes*, Reprint. Originally published: London : Trübner, 1875. p. 151. 『孟子』梁惠王下、第8章、齊宣王問曰：「湯放桀，武王伐紂，有諸？」孟子對曰：「於傳有之。」曰：「臣弑其君可乎？」曰：「賊仁者謂之賊，賊義者謂之殘，殘賊之人謂之一夫。聞誅一夫紂矣，未聞弑君也。」

⁴⁵ *The I ching*, translated by James Legge, New York: Dover, 1963, pp. 169-170. 《易》曰：「湯武革命，順乎天而應乎民」也

government. The sovereign power is held by the people's representatives. Benjamin Constant, in *The Liberty of the Ancients Compared with that of the Moderns*, points out that the "collective notion of liberty" is related to direct democracy and belongs to ancient time; in contrast, the liberty of the moderns, as it exists in commercial society, is essentially an individual notion. This form of liberty requires representative democracy in order to allow individuals to freely pursue their private ends. From that point of view, representative government as conceived in liberalism is a way of giving to the political elite the responsibility of managing the affairs of the state.⁴⁶ If in the Confucian state the ruling class is to be construed as the moral elite, in the liberal constitutional state it should be defined as the political elite.⁴⁷

Apart from the need to guarantee the liberty of the moderns, Constant's argument in favor of representative democracy is further related to his criticism of the particular concept of people's sovereignty advocated by Rousseau. 'When you establish (as Rousseau did) that the sovereignty of the people is unlimited,' writes Constant, 'you create and toss at random into human society a degree of power which is too large in itself, and which is bound to constitute an evil, in whatever hands it is be placed.'⁴⁸ As pointed

⁴⁶ Furthermore in the real practices of Western democracy, most representatives belong to the elite class in society. Compared with the moral elite of Confucianism, representatives in Western democracies constitute the political elite of society. Though this point is generally ignored in discussions on modern liberalism, it was recognized and justified in the writings of early liberal authors. See especially John Stuart Mill, *Representative Government*,

⁴⁷ Though the concept of and the necessity of having a political elite in representative democracy are rarely discussed today, this was not the case in the classic liberal authors such as Mill and Constant. .

⁴⁸ Benjamin Constant, *Political Writings*, trans. and ed. by Biancamaria Fontana (Cambridge: Cambridge University Press, 1988), p. 176.

out in the above paragraph, in Confucianism, it is the Mandate of the Heaven, not the people directly, who gives the ruler's sovereignty its legitimacy. Confucianism openly suspects the lack of virtue of the small men, and claims that they are unable to participate in the running of government. As far as the political arrangement only is concerned, this concern with the moral level of the common people in Confucianism may be viewed as corresponding to some extent to Constant's liberal suspicion concerning the absolute sovereignty of the people. Thus, in both liberalism and Confucianism, the people are not supposed to directly participate in governing the state, though the legitimacy of the state is based on their consent of their ruler. The ultimate origin of state's sovereignty is either the social contract, which represent collective political rights, or the Mandate of the Heaven, which in a way 'represents' the political virtues of all the people.

Conclusion

In conclusion, underlying the differences of liberalism and Confucianism are some essential similarities between them. Both liberalism and Confucianism regard individuals as equal at the level of the human nature. All individuals are endowed either with equal rights or the equal beginnings of virtues. Unequal social situations are related to the unequal efforts of individuals, either to unequal motivation and ability to work or to unequal levels of acquired virtues, which justify departures from this natural equality. Both liberal rights and Confucian virtues refer to reciprocity as the primary principle of human relationship, though the concrete manifestations of this

principle are in each case different. Furthermore, in the state theories of liberalism and of Confucianism, a somewhat similar dialectic relationship between individuals, the state, and the people can be identified. Both individual rights and human virtues are the primary concern of the two respective traditions. However, neither rights nor virtues are sufficient by themselves. A centralized state power is needed to guarantee the negative freedom of individuals or to promote the cultivation of virtues on the part of individuals. Finally, establishing the state constitutes a form of collective action which essentially includes all the people, either through the social contract or through the function of the Mandate of the Heaven. Hence, what the state represents is the collective will or the welfare of the people as a whole. In front of this public authority of the state, individuals have to some extent also become the object of the rule. In liberal society, individuals must obey the laws, and in Confucian state, individuals were restrained by both the rule of the rites and the rule of punitive laws. Paradoxically, exactly due to this restriction, the state could really function to promote individual rights or human virtues. Rights which are in danger in the state of nature are guaranteed in a liberal state, and individuals are left free to pursue their own ends. And in a well-ordered Confucian society, an individual could also more easily act according to his moral principles.

The differences between the political theories of liberalism and Confucianism are clearly visible, while their similarities though less explicit, are equally essential. The following chapter will further explore the similarities between liberalism and Confucianism but considered as moral

rather than political philosophies. To a large extent, Confucianism can easily be regarded as both a political philosophy and as a moral philosophy. In modern liberalism however, political theory and moral theory are more separated. In the above comparison, liberalism was illustrated by reference to the political theories of authors like Hobbes, Locke, Mills or Constant. In the next chapter the moral theory of David Hume will be examined, while the same classic authors, Confucius and Mencius will represent Confucianism as a properly moral philosophy.

Chapter 3 Similarities between liberalism and Confucianism considered as moral philosophies

3.1 Humanity as the principle of individual morality

As we discussed above, individual freedom in liberalism is understood as negative freedom, while human virtues correspond to a form of positive freedom. Liberalism regards all individuals as morally equal, which justifies their claim to equal rights. However, freedom understood in this negative sense to a large extent frees individuals from the constraints of traditional morality. To the contrary, in Confucianism morality occupies a central place at all time. According to Confucianism, human beings have by nature the same initial endowment of moral goodness, which constitutes the equal basis for further cultivation. Individuals will end up at different levels of virtues depending on their different efforts at cultivating them. Thus, it seems that morality is less of a concern within liberalism, but constitutes the core of Confucianism.

However, the fact that liberalism tries to escape the traditional understanding of morality does not mean that morality itself has no place in liberalism. Actually, liberalism tries to reframe the problem of morality in a different way. The right to self-preservation is regarded by Hobbes as the first law of nature. For Hobbes, the science of the laws of nature 'is the true and only moral philosophy.'⁴⁹ For Kant, being free is the precondition of being

⁴⁹ Hobbes, *Leviathan*, chapter 15, Continuum international publishing group,

moral, the necessary condition to be able to give to oneself one's own moral rule, something which simultaneously constitutes the highest expression of freedom. Liberalism is essentially a new form of moral philosophy, and the claims to individual rights and freedom actually are moral claims.

David Hume has directly tackled the problem of morality in *An Enquiry Concerning the Principles of Morals*. As one of the founding author of liberalism, Hume proposes an essentially modern interpretation of morality. In his *Enquiry*, Hume discusses the principle of humanity and the principle of justice as two major moral principles. As the analysis presented in the following sections of this chapter will show, there are essential similarities between Hume's moral principles and the Confucian moral principles.⁵⁰

Hume argues that the sentiment of humanity constitutes a major principle of morality. For Hume, humanity has its origin in human nature. "There is", he writes, "some benevolence, however small, infused into our bosom; some spark of friendship for human kind; some particle of the dove, kneaded into our frame, along with the elements of the wolf and serpent."⁵¹ Hume argues that this original disposition to humanity is revealed in our natural sympathy with others. At the same time, Hume also noticed that sympathy is not universal. He argues that reason is needed to help us reach humanity. 'Sympathy is much fainter than our concern for ourselves, and sympathy

2005.

⁵⁰ The following discussion comparing of Hume's moral theory and Confucianism draws a lot from Liu Xiusheng, *Mencius, Hume and the Foundations of Ethics*, Ashgate Publishing Company, 2003.

⁵¹ David Hume, *An Enquiry Concerning the Principles of Morals*. Cosimo Classics, 2006. Section IX Conclusion, Part I, p. 109.

with persons remote from us much fainter than that with persons near and contiguous; but for this very reason, it is necessary, to our calm judgments and discourse concerning the characters of men, to neglect all these differences and render our sentiments more public and social.⁵² In this way, thanks to both the natural feeling of sympathy and the work of reason, the sentiment of humanity becomes universal, comprehensive, and social. ‘The humanity of one man is the humanity of every one; and the same object touches this passion in all human creatures, and hence constitutes the origin of morals.’⁵³ According to Hume, this universal sentiment of humanity can play the role of limiting the particular sentiment of self-love and guide human kind against vice and disorder.

There are actually some essential similarities between Hume’s moral principle of humanity and the most important and comprehensive Confucian concept of ren/仁 which is also often translated as humanity. There are many interpretations of ren in *The Analects*, one of which is to love all men.⁵⁴ As we mentioned before, according to Mencius, human nature is good; human being is naturally endowed with the beginnings or sprouts of virtues; the universal love of ren is based on the natural sympathy of everyone. There is a famous story about a person spontaneously saving a baby who is about to fall into a

⁵² David Hume, *An Enquiry Concerning the Principles of Morals*. Cosimo Classics, 2006. Section V Why Utility Pleases, Part II, p. 64.

⁵³ David Hume, *An Enquiry Concerning the Principles of Morals*. Cosimo Classics, 2006. Section IX, Part I, p. 111.

⁵⁴ *The Analects*, 12/22. *The four books: Confucian Analects, The great learning, The doctrine of the mean, and The works of Mencius*. With English notes and translation by James Legge, the Chinese Book Co., 1930, p. 171. 樊遲問仁。子曰：「愛人。」

well. Mencius says, "The ground on which I say that all men have a mind which cannot bear [to see the suffering of] others is this: Even now-a-days, when men suddenly see a child about to fall into a well, they will all experience a feeling of alarm and distress. They will feel so not that they may thereon gain the favor of the child's parents, nor that they may seek the praise of their neighbours and friends, nor from a dislike to the reputation of [being unmoved by] such a thing.'⁵⁵

At the same time, another essential characteristic of Confucianism is its claim that there should be difference of degrees in the love of a person towards others. A person loves his parents most, and his brothers and friends more than those he knows less. Confucianism considers this difference in love natural and reasonable. A person loves his parents and brothers and friends more since she is more intimate to them than with others. In Confucianism, to have filial piety to his parents, to be friendly to one's brothers, etc., are fundamental part of a person's humanity. Yet, Confucianism also claims that a person who loves his parents and hope them to be happy will also reasonably hope that other persons' parents will be happy. In Confucian texts, there are the those well-known sayings such as 'all within the four seas will be brothers,'⁵⁶ and "Treat with the reverence due to age the elders in your own

⁵⁵ *Mencius*, Gong Sun Chou I/6. James Legge, *The Life And Works of Mencius: With Essays and Notes*, Reprint. Originally published: London : Trübner, 1875. p. 174. 『孟子』公孫丑上、第 6 章、所以謂人皆有不忍人之心者，今人乍見孺子將入於井，皆有怵惕惻隱之心。非所以內交於孺子之父母也，非所以要譽於鄉黨朋友也，非惡其聲而然也。

⁵⁶ *The Analects*, 12/5. *The four books: Confucian Analects, The great learning, The doctrine of the mean, and The works of Mencius*. With English notes and translation by James Legge, the Chinese Book Co., 1930, p. 160. 四海之內，皆

family, so that the elders in the families of others shall be similarly treated; treat with the kindness due to youth the young in your own family, so that the young in the families of others shall be similarly treated.⁵⁷ In this way, in Confucianism argues that a person should rationally extend reason his natural love toward those who close to him to those who are far away. The differentiated love recommended in Confucianism is clearly compatible with the love of all men.

To summarize, the essential similarities between Hume's principle of humanity and the Confucian concept of *ren* or humanity are the following:

1. both see humanity has having its origin in the natural feeling of sympathy;
2. both recognize that there are natural difference in the extents of sympathy;
3. the generalization of humanity as a moral principle or virtue is the work of reason.

The main difference is that Hume emphasizes this third point, the importance of rational generalization of sentiment humanity. He acknowledges the second point, that there are natural differences in a person's sympathy towards others, but he argues these differences should be rationally adjusted and that in this way humanity will gain a universal and public character. In contrast, Confucianism insists on the second point. For

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⁵⁷ *Mencius*, Liang Hui Wang I/7. *The Life And Works of Mencius: With Essays and Notes*, Reprint. Originally published: London : Trübner, 1875. pp. 135-136. 『孟子』梁惠王上、第7章、老吾老，以及人之老；幼吾幼，以及人之幼。

Confucianism, particular virtues, such as filial piety and friendliness, which illustrate it, constitute the concrete forms of humanity. To some extent, one's love toward those who is near is the foundation for the universal love of all. However, there is an implicit point in their differences.

For Hume, it is in primarily when discussing or judging the characters of men that rational need to avoid the influence of the natural differences in sympathy becomes important. Hume of course never claimed that a person should love a stranger as he or she loves his or her father, he would probably not disagree with Confucius's argument in favor of filial piety though it is entirely absent from his own discussion. Confucianism is also clear about the difference between public judgment and private affections, though it strongly insist on the public role of morality based on natural affections.⁵⁸

This comparison of Hume's principle of humanity and the Confucian concept of *ren* can throw some light on the previous comparison between liberal rights and Confucian virtues. As mentioned earlier, even though the concept of right in liberalism is fundamentally a moral concept, rights and freedom nonetheless appear very different from traditional moral claims like those in Confucianism. One question which arise in liberalism is why in reality, not in the hypothetical state of nature, individuals are morally inclined to respect others person's rights and liberty? Hume argues that the

⁵⁸ In *Mencius*, there is a paragraph discussing how Shun, the famous sage king, will do if his father has killed a person. Mencius argues that as a king, a public figure, Shun will not prevent his minister of justice from arresting his father, but as a son, a private person, Shun will carry his old father on his back and escape. Mencius, Jin Xin I/35. *The Life And Works of Mencius: With Essays and Notes*, Reprint. Originally published: London : Trübner, 1875. p. 360.

sentiment of humanity is the origin of morality. The combined work of the natural feeling of sympathy and of reason allows humanity to gain the characteristic of being universal and social. Though Hume does not mention the concept of right, it seems that Hume's positive understanding of humanity might constitute the moral foundation of the claim of individual rights in liberalism. Individual rights are essential human rights they require that everyone morally recognizes the equal rights of everyone else, not only one's own rights or the rights of one's close families and friends. The principle of universal, public and social humanity advocated by Hume can serve to bring individuals to voluntarily respect each other's rights and freedom.

Accordingly, though Confucianism emphasizes the importance of such virtues as filial piety towards one's father, friendliness toward one's brothers, etc., these concrete virtues constitute the particular expressions of the more overarching and universal virtue of *ren* or humanity, which is not essentially different from Hume's concept of humanity. This may open a road to reconcile the Confucian insistence on the virtue of humanity with liberalism's insistence on rights and freedom. Furthermore, liberal authors may not be opposed to the Confucian argument in favor of the universal love of all human beings.⁵⁹ At least, Rawls for example could consider Confucianism as a reasonable comprehensive conception of the good, which, may be consistent

⁵⁹ As Theodore de Bary points out, 'the root of filial piety lies in the parents' solicitude for the child, and what the child is to do for them comes as a natural response to their prior love, concern, and care.' Wm. Theodore de Bary. *The Trouble with Confucianism*. p. 33. Harvard University Press. 1996.

with his interpretation of political liberalism.

In short, there are some essential similarities between the concept of humanity proposed by David Hume and the concept of *ren* or humanity in Confucianism. These similarities at the underlying level of moral philosophy indicate that it is not impossible to deal with the differences between the concept of individual rights in liberalism and the concept of human virtues in Confucianism. At the same time, we have to acknowledge that, notwithstanding that the moral sentiment of sympathy constitutes the basis of humanity in both Hume and Confucianism, Hume's concept of humanity is not the same as the Confucian concept *ren* or humanity. In Confucianism, the concept of humanity is more a virtue, while in Hume it is more a principle. However, it is not impossible to solve this problem, since the concept of humanity in Confucianism could also be interpreted as moral principles. Or put it in other words, the concept of *ren* or humanity was advocated in Confucianism both as a moral virtue and as a moral principle; in cultivating one's virtues, the individual need to believe in and follow the basic moral principles. Thus, in a sense, Confucianism can be re-interpreted to be compatible with the moral and political thinking of liberalism. We will discuss in the Conclusion part why and how this can be done in the background of China's political modernization.

3.2 From individual morality to social and political morality

As discussed in last chapter, withstanding the differences between their theories of the state, the establishment of the state marks the appearance,

and in a sense requires, in both liberalism and Confucianism a new, enlarged, social and political form of morality. In liberalism, the individual's moral concern with his own rights is, through the social contract that establishes the state, expanded into a moral concern with the rights of all others. When an individual signs the social contract, he or she intends now to guarantee by the state's power the rights of all individuals, not only his or her own.

Though Hume largely disregarded social contract theory, his discussion on the virtue of justice is to a large extent consistent with the moral implication of the social contract theory mentioned above. For Hume, justice is necessary to maintain a society in which there is intercourse among people 'for mutual convenience and advantage'. The ultimate end of justice is the public interest of human society. Hume compares the virtue of justice with the principle of humanity. He points out that while the sentiment of humanity has the natural feeling of sympathy as its foundation, the sentiment of justice is derived mainly from reason. Hume argues that even though both humanity and justice are ultimately social, the principle of humanity derives from a direct instinct, and its good effects can be immediately felt. But 'the benefit (of the virtue of justice) is not the consequence of every individual single act but arises from the whole scheme or system. General peace and order are the attendants of justice or a general abstinence from the possessions of others...'⁶⁰

Understood in this way, not violating the laws constitutes the positive

⁶⁰ David Hume, *An Enquiry Concerning the Principles of Morals*. Cosimo Classics, 2006. Appendix III Some Further Considerations With Regard to Justice, p. 147.

virtue of justice, and negative freedom which is related to it can only be realized if this positive virtue is generally observed. That is to say in other words, an individual's negative freedom is related not only to his or her own obeying of the laws, but is rather based on the general existence of justice in society. Social contract theory is essentially agrees with this moral concept of justice elaborated by Hume. When an individual participates in the social contract to establish the state, he or she is actually voluntarily promising to respect the authority of the state and not to violate the law. Through this action he or she authorizes the state to legally guarantee all individuals' rights. Thus, the social contract theory in principle implies that there will be general obedience of the law. Each individual's voluntary action to obey the laws is simultaneously the foundation of the state's power and guaranteed by it.

John Rawls, the most important figure of present day liberalism, actually combined the theory of social Contract with Hume's principle of morality in his own theory of justice. For Rawls, on one hand, justice is the virtue of institutions. Though liberalism does not emphasize primarily the morality of the ruler as is the case in Confucianism, the end for which the main political and social institutions are designed is to guarantee justice in society as a whole. On the other hand, the public conception or sense of justice is also a fundamental moral capability of individual citizens. Everyone accepts and behaves according to the public principle of justice and knows that everyone else will do the same.⁶¹

⁶¹ John Rawls, *Justice as Fairness a Restatement*, Edited by Erin Kelly, the

The expansion from individual morality to political morality is more obvious in Confucianism than in Liberalism. As mentioned before, there are two major moral principles in Confucianism: the first one is the same as the golden rule, 'not to treat others as you do not wish them to treat you'; the second is that is 'the man of perfect virtue, wishing to be established himself, seeks also to establish others; wishing to be enlarged himself, he seeks also to enlarge others.'⁶² This second moral principle is apparently absent in the discussions of liberalism. Moreover, this moral principle is frequently criticized as being non-liberal, since it argues that a person should be concerned not only with his own action, but also try to promote the virtues of all others. This concerns with other person's behavior and morality seems somewhat contradictory to the negative freedom advocated by liberalism. However, it is exactly this principle that expands morality from an individual concern into a social and political concern. According to Confucianism, it is through serving the government that a virtuous person might help others promote their virtues. As discussed above, in liberalism, through the social contract, individuals actually intend, by institutionalizing the state, to guarantee the rights and freedom of all. This is the essential content of public or political morality in liberalism, which manifests itself on the one hand, as the general voluntary participation in politics and in obeying of the rule of the state, and which on the other hand is manifested through the

Belknap Press of Harvard University Press, 2001, p. 8.

⁶² *The Analects*, 6/28. *The four books: Confucian Analects, The great learning, The doctrine of the mean, and The works of Mencius*. With English notes and translation by James Legge, the Chinese Book Co., 1930, p. 77. 夫仁者，己欲立而立人，己欲達而達人。

proper function of the state's institutions. In Confucianism, the second principle of public morality also concerns both the people and the ruler. For morally superior men, the second principle constitutes their motivation to seek government office. In the Analects, there is a paragraph saying that, 'not to take office is not righteous [yi/義]...A superior man takes office, and performs the righteous duties belonging to it.'⁶³ This second principle however is more obviously applied to the ruler. Actually, Confucius speaks out this principle when he talks about the behavior of rulers.⁶⁴ In the above section on the Confucian concept of *ren* or humanity, we mentioned that Confucianism urges people to extend their love from close family members to all others who are less related to them. If the recommendation to love the old fathers and young children of others, already constitutes a moral sentiment in common persons, it clearly is the responsibility of the ruler to promote the social order of the society so that all old persons and young children will be

⁶³ *The Analects*, 18/7. *The four books: Confucian Analects, The great learning, The doctrine of the mean, and The works of Mencius*. With English notes and translation by James Legge, the Chinese Book Co., 1930, pp. 279-280. 不仕無義...君子之仕也，行其義也

⁶⁴ *The Analects*, 6/28. *The four books: Confucian Analects, The great learning, The doctrine of the mean, and The works of Mencius*. With English notes and translation by James Legge, the Chinese Book Co., 1930, p. 77. Zi Gong said, "Suppose the case of a man extensively conferring benefits on the people, and able to assist all, what would you say of him? Might he be called perfectly virtuous?" The Master said, "Why speak only of virtue in connection with him? Must he not have the qualities of a sage? Even Yao and Shun were still solicitous about this. Now the man of perfect virtue, wishing to be established himself, seeks also to establish others; wishing to be enlarged himself, he seeks also to enlarge others. To be able to judge of others by what is nigh in ourselves - this may be called the art of virtue." 子貢曰：「如有博施於民而能濟眾，何如？可謂仁乎？」子曰：「何事於仁，必也聖乎！堯舜其猶病諸！夫仁者，己欲立而立人，己欲達而達人。能近取譬，可謂仁之方也已。」

taken good care of.

Thus, there are essentially two parts to the Confucian concept of *ren* or humanity: the first part is the principle of not to treat others as you do not want they to treat you, and the second is the principle to enlarge and establish others as you want to enlarge and establish yourself. If the first can to some extent be regarded as purely individual morality, the second part is best described as public or political morality. As Confucius points out, the second principle has to be realized through the function of the government. It is in this sense that Confucianism advocates the idea of benevolent government and ruler. Accordingly, the Confucian concept *yi*/義 could also be translated into English as righteousness for individual behaviors, and as justice for state policy; and the concept *li*/禮 could be translated as propriety for individual actions, and as rites for the political system. Thus, it is only at this second, political, level of morality that we can understand the Confucian arguments for the benevolence and justice of the government,⁶⁵ for the rule of rites, as well as its criticism of the legalist idea of ruling with harsh punitive laws as unjust.

Conclusion

In conclusion, though liberalism and Confucianism represent two quite different types of political thinking – the former argues for individual rights

⁶⁵ Compared to Confucius who emphasizes more strongly the principles of the individual cultivation in *ren* or humanity, Mencius focuses more on the political morality of the ruler. More exactly, Mencius is concerned primarily with two virtues on the part of the ruler, that is, *ren* or benevolence and *yi* or justice.

and freedom and correspondingly defends a democratic constitutional state under the rule of law, while the latter advocates the cultivation of human virtues and correspondingly benevolent government and the system of rites – underlying these evident differences are essential similarities. Both liberal rights and Confucian virtues derive from the principle of reciprocity and recognize equality at the level of human nature. In the state theory of both liberalism and Confucianism, here is a dialectical relationship between the individual, the state and the people. Further, the similarities of liberalism and Confucianism as political philosophies correspond to similarities between them as moral philosophies. At the level of individual morality, both traditions put forward the principle or virtue of humanity which is universal and related to both human reason and to the natural feeling of sympathy. At the level of political morality, both argue for the principle of justice, which manifests on the one hand as the voluntary political sentiment of all the individuals to participate in politics and to obey the state rule and on the other hand as the virtue of the state's institutions.

In short, liberalism and Confucianism are different at the level of what they advocate politically, but at a more abstract level, which is that of their underlying moral principles, we can find important similarities. Thus, it may be concluded that it does not seem impossible to incorporate some major liberal concepts into the traditional political thinking of Confucianism. This conclusion however, raises some important questions. First, why is such a transformation of traditional Chinese political thinking needed? Second, what should Confucianism borrow from liberalism? Finally, how can we

concretely and coherently combine these two different political traditions?

These question need to be answered against the background of China's political modernization. In the next part of the thesis, the models of modern nation state and of the ancient Chinese state will be compared. Since liberalism and Confucianism are largely regarded as the political ideologies of the modern nation state and of the ancient Chinese state respectively, the comparison will to some extent provide the institutional background in which these two traditions of political thinking evolved. Further, given that in the modern history of China, the modern nation state constituted the goal of China's political modernization while the ancient Chinese political system was the object to be transformed, the comparison will provide a perspective to identify the underlying problems of China's political modernization.

Part II Comparison of the models of the modern nation state and of the ancient Chinese state

Chapter 4 A model of the modern nation state

The political structure of the world system when China was forced to start its modernization process was dominated by Western style modern nation states. On the basis of major works by Max Weber, Carl Schmitt, Karl Polanyi, Earnest Gellner, and Benedict Anderson this chapter will unite into a model several interrelated characteristics of the system of modern nation states, beginning with the individual state itself.

4.1 The state monopoly of legitimate violence and administrative centralization

The primary characteristic of the modern nation state may be that the state has attained sovereign power over all of its territory. In his text *Politics as a Vocation*, Max Weber defines the modern state as ‘a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory.’⁶⁶ This definition of modern state as the holder of ‘the

⁶⁶ Max Weber: *From Max Weber: Essay in Sociology*, translated with an introduction by H. H. Gerth and C. Wright Mill, London: Routledge & K. Paul, 1964, p. 78. In his text *Politics as a Vocation*, Max Weber uses both the term ‘legitimate use of physical force’ and that of ‘legitimate violence.’ Recently, there is interesting discussions about the distinction of political violence and legitimate violence. See Paul Dumouchel’s *Le Sacrifice Inutile, Essai Sur la violence politique*, Flammarion, 2011. Given the purpose of my study, I will not discuss further the meaning of political violence in this paper, but simply take ‘the monopoly of legitimate violence’ as a well understood definition of

monopoly of legitimate violence' implies that within a modern state it has become illegitimate for individuals and groups to use violence without the authority of the state. In a modern nation state, intermediary groups between individuals and the state, which might compete with the political power of the state, have disappeared. Instead of being a member of a clan, a serf of a lord, etc., everyone within the state has become an independent and equal individual. Private violence is prohibited; domestic order and peace are guaranteed by the state.

Historically this is related to the rise of absolute monarchies in sixteenth and seventeenth century Western Europe. The monarchs succeeded breaking down the traditional relationships between groups, taking over power from feudal lords. One crucial element in the process of establishment of absolute monarchy was the formation of the centralized modern state bureaucracy. Administrative centralization provided a unified and effective apparatus of power for absolute monarchies and at the same time led to the de facto loss of power on the part of the nobles. The monopoly of legitimate violence and the centralization of administration kept on being two of fundamental characteristics of the modern nation state notwithstanding its transformation from absolute monarchy to modern democracy.

4.2 The representative nature and rationalization of modern state power

In a modern nation state, state power is no longer the private possession of

modern state.

the ruler. State authority has become something public and gained the characteristic of representativeness. Even in the period of absolute monarchies, the monarchs were increasingly claiming legitimacy as representing the people. Saskia Sassen tells a story that, when Louis XIV tried to sell public goods to finance the Thirty Years War, he was told that the king was the protector and not the owner of the common realm.⁶⁷ Similarly, Louis Dumont, quoting Landes, reminds us that absolute monarchs had 'abandoned, voluntarily or involuntarily, the right or practice of arbitrary or indefinite disposition of the wealth of [his] subject.'⁶⁸

The representative nature of modern nation state became even clearer with the transformation of the state from absolute monarchy to party politics and plebiscitarian democracy. As Weber points out, modern party organizations increasingly became rational election machines. Candidates are selected and platforms fashioned in party conventions according to the chances of grabbing vote. While to attain power might be the real concern of the party, in order to win the election, the party must try to reflect, balance, and compromise the various interests of its constituents. In this way, state power stopped being absolute and became more rational and representative.⁶⁹

⁶⁷ Saskia Sassen, *Territory, Authority, Rights: from Medieval to Global Assemblages*, Princeton, N.J. Princeton University Press, 2006, p. 80. Sassen wrote by mistake that it was to finance the Hundred Years War, while it clearly can only be the Thirty Years War.

⁶⁸ Dumont, Louis, *From Mandeville to Marx: the Genesis and Triumph of Economic Ideology*, Chicago: Univ. of Chicago Pr., 1977, p. 6.

⁶⁹ Max Weber (1964), pp. 77-128. Max Weber viewed politics as a vocation, and argued that professional politicians should have an ethics of responsibility, which means to consider the foreseeable results of one's action,

Related to the representative nature of modern state power is the rationalization of state administration, which means, among other things, that government officials should be recruited and promoted on the basis of talent, and state administrations should be carried out according to the general principle of rationality. According to Weber, even in the period of absolute monarchy, there was a gradual abolition of the prince's autocratic rule in favor of expert officialdom, especially in areas like finance, war, and law. However, administrative rationalization came to be institutionally guaranteed with the separation of administration and political power in the age of party politics. At the early stage of party politics, the winning party usually turned over a large number of official positions to its own followers. The civil service reforms separated administration from political power, which constituted a way to deal with the disturbing effect of the spoils system. Modern bureaucracy finally evolved into a highly specialized profession; most administrative positions are lifelong functions associated with pension rights.⁷⁰

Actually, administrative rationalization and the accountability of state power are closely related to the problem of corruption, which is a perennial problem of many ancient political entities. Once corruption reaches a certain level, the state cannot function well and loses its legitimacy. In the modern

rather than the ethics of the ultimate end, which can lead to the justification of means by ends.

⁷⁰ Max Weber (1964), pp. 77-128. Interestingly there are indications that present day liberal democracies are returning more and more to the spoils systems. See P. R. Verkuil, *Outsourcing Sovereignty*, Cambridge University Press, 2007.

nation state, the separation of state administration and state power make systematic corruption less possible. On the one hand, without the arbitrary intervention of those who have power, rationalized state administration became more efficient; on the other hand, having less direct means to exploit political power for personal advantage and being institutionally checked by elections and other institutions, those in power became more accountable.

To some extent, the above two characteristics present the nature of modern state power from the view point of the political system. First, the state holds sovereign power over its territory; second, the monopoly of legitimate violence of the modern state does not make it a political entity sitting above a politically powerless society, as is the case in despotic states or in many traditional societies. Rather, modern state power became increasingly 'representative,' and the state largely rules society through a rationalized bureaucratic system. The dialectic relation of these two aspects of modern state power is illustrated in the historical transformation from absolute monarchy to representative government. Actually, elements of rationality and representativeness had already emerged in the period of absolute monarchy, though they became more evident in the new state form. The state's monopoly of legitimate violence, though seemingly more obvious in the first period due to the 'absoluteness' of those monarchs, is actually even more strengthened in the further development of modern state form.

4.3 The role of modern nation state to promote economic progress

In *From Mandeville to Marx, the genesis and triumph of economic ideology*,

Louis Dumont points out that, in traditional society, relations between men were more important than relations between men and things; property rights were enmeshed in social relations. While in modern society, where the primacy reversed emerged an autonomous category of wealth.⁷¹ Unlike most traditional societies where the economy is largely subordinated to politics, the economy in modern society has become an independent domain, further economic relations have gained a of dominating position within the social relationships of modern society. Correspondingly, politics ceased to be the predominating aspect of social life, is was usually the case in pre-modern society. ⁷²

As far as its relationship with economy is concerned, it is well known that the modern nation state developed hand in hand with modern capitalist economy. Historically, the prince and merchants joined hands in fighting against feudal lords. On the one hand, the establishment of unified administration to serve the prince's interest in centralizing state power had the effect of creating a unified national market, and the state's effort to transform into 'free' individuals those who before were under the control and protection of all kind of groups, led to the creation of free labor supply for capitalist economy. On the other hand, merchants not only paid taxes to their prince, but on occasions also directly financed his enterprises. The expansion of capitalist economic relations progressively destroyed traditional group

⁷¹ Luis Dumont (1977)

⁷² Paul Dumouchel describes the concept of justice guaranteed by modern state power as derivative from the prevailing economic discipline of scarcity.

『物の地獄：ルネ・ジラールと経済の論理』ポール デュムシエル、ジャン・ピエール デュピュイ、織田 年和、富永 茂樹訳、東京：法政大学出版社、1990年。

loyalties, which reinforced the hold of the central power. The relationship between the political and the economic aspects of society became even clearer with the bourgeoisie's ascent to political power and the transformation of early modern state, that is, the absolute monarchy, into modern representative democracy. The state was increasingly regarded as the engine of social progress, using state laws to guarantee the basic rules of capitalism. Thus, the modern nation state is not an abstract state form, but rather is the state form of modern commercial and industrial society. As Gellner rightly points out, modern society is based on constant cognitive and economic progress. The legitimacy of modern state authority lies to a large extent in its ability to promote and guarantee this progress.

Further, the state also played an indispensable role in the establishment of modern economy as well as in the correction of its dysfunctions. As Polanyi argues in *The Great Transformation*, pure market economy cannot come into existence by itself, and total freedom of market mechanism is disastrous. The state played an fundamental role in the establishment of the market system in the early period of capitalism; in the laissez faire period, the state functioned to guarantee the basic conditions of the free market through, among other things, the legal protection of property rights, free contract and fair competition; the state also provided macro-economic control to deal with the break-down of the free market economy. Polanyi points out that it is the political, the state, that maintains the wholeness of the society out of the atomic factors of labor, capital and resources of the market economy.⁷³

⁷³ Polanyi, Karl *The Great Transformation: the political and economic origins*

4.4 The modern nation state's role in promoting a homogeneous national culture

Alongside the development of a modern industrial economy is the appearance of a homogeneous national culture. Ernest Gellner in *Nations and Nationalism* interprets the homogeneity of national culture as one of the basic requirements of modern industrial society. He argues that modern society is characterized by constant cognitive and economic progress. Compared to the more organic and stable division of labor which existed in agrarian society, the division of labor in modern industrial society is more complex and constantly changing, which requires explicit, precise and context-free industrial communication among members of society. One important role of the modern nation state is to facilitate the existence and development of this industrial modern society by maintaining a unified and pervasive national culture. Modern states do this mainly through a universal educational system, which, in principle, provides generic training to all members of society.

Gellner defines this modern national culture as a 'high culture.' Unlike what is the case in most traditional societies where the ruling class monopolized the 'high culture' while a multiplicity of vernacular and rural cultures existed among the ruled, in the modern nation state the 'high culture' has become universal, that is to say, it has become the culture of everyone, rather than that of a privileged group. In this sense, it is now a

of our time, foreward by Joseph E. Stiglits; introduction by Fred Block, 2nd Beacon pbk. ed. Boston, Mass. Beacon Press, 2001.

kind of 'popular' culture. In modern national culture, what has become more important are idiom and style of communication, that is, the language itself. The 'high culture' in modern society is deeply education-dependent and thus must be maintained and protected by the state. It is in this sense that the universal national culture can reasonably be called a 'high culture.' One major concern of the state is to maintain this high national culture which is regarded as not only an important condition for cognitive and economic progress in modern industrial society but also as one source of state legitimacy.

Gellner argues that modern 'high culture' has also become largely secularized; religious doctrines have lost much of their authority over culture. Modern culture is imbued with the spirit of rationality which is also the underlying principle of political and economic organizations. Everyone is 'gelled' in the sense that he or she identifies with his or her profession and education.⁷⁴ In this sense, Gellner says, modern men are made of 'incorruptible' metal.⁷⁵

4.5 The prevalence of nationalism

However, modern 'high culture' is national, not only because it is essentially related to a national language, but also because the prevalence of nationalism in modern nation states. Benedict Anderson defines modern

⁷⁴ In modern states, bureaucracy has become one type of profession. Moreover, even politics has become a vocation, as argued by Max Weber (1964) in 'Politics as a Vocation'.

⁷⁵ Ernest Gellner, *Nations and Nationalism*, introduction by John Breuilly, 2nd ed. Malden, Mass. Blackwell Publishing, 2006. p. 18.

nations as 'imagined communities.' According to Anderson, two factors essentially contributed to the emergence of modern nations. The first is administrative centralization. When the functionaries of an absolute monarchy frequently encountered each other on their upward-spiral road toward central power, there emerged among them the consciousness of connectedness. The second factor is the vernacularization promoted by print-capitalism: the movement to use vernacular language for writing and publishing. Through vernacular reading materials such as newspapers and novels, came into being among fellow readers the concept of an imagined community, the nation, with its temporal and territorial dimensions. Anderson argues that, as a substitute for traditional social lineages and loyalties, the idea of nation constitutes a new form of social cohesion. For modern secularized individuals, the nation in which they are born and the culture in which they grew up has become something they naturally feel tied to. Thus, replacing religion, the nation constitutes the secular transformation of fatality into continuity, and of contingency into meaning.⁷⁶

To the movement of state functionaries described by Anderson, we may also add Gellner's description of the mobility of industrial workers and entrepreneurs within the territory of the modern nation state, which equally contributed, if not even more, to the sense of connectedness among members of society. Further, Anderson's concept of vernacularization means that mainstream culture began to be expressed in the language of the masses, which is precisely Gellner's point when he argues that in the modern nation

⁷⁶ Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, rev. ed. London; New York, N.Y. Verso, 2006.

state 'high culture' becomes the culture of everyone. Both Gellner and Anderson point out that nationalism became an underlying political principle in modern society. In many cases, nationalism constituted the driving force in modern nation state building. Nationalism demands that the state and the nation be identical. This requires that those who are in power belong to the same ethnic group or nation, than those who are ruled. The state power should be accountable to its people or nation and try to promote national culture and economy. In the period of absolute monarchy, as a reaction to popular nationalist sentiments, even the princes began to identify themselves as members of the nation in order to save the legitimacy of their power.

4.6 The territoriality of modern nation states

Territoriality is a fundamental characteristic of modern nation state. Though all forms of political entities have to occupy some physical space, their relationship to space is different. In contrast to most political entities in traditional society, the modern nation state is territorially defined. The territory of a modern nation state is a lot more than just a piece of land. Territoriality is the specific way modern nation states occupying space. In principle, the territory of a modern state must be contiguous; each part of the territory touching another part, there should be no holes between them. This means that within its territory, there is nowhere that is not under the rule of the centralized state. Territory is also isotropic, in the sense that every part is in principle as important as any other part, or to put it in other words,

sovereign power should be equally applied everywhere within the territory.⁷⁷

Modern states build their territory through homogenizing their population. Homogenization can take place on a variety of dimensions: religion, ethnicity, language, etc. when it acts on a certain dimension, let us say religion, as in the early stage of state building in modern Western history, then that dimension becomes a central political issue. As the idea of toleration emerged and modern nation states became progressively secularized, religion retreated to the private sphere and ceased to be as politically relevant. The need for homogenization, however, remained and now took place along different dimensions, such as language, ethnicity, etc. As a result, within the territory where they live members of the homogeneous population will come to share equal rights.

Homogenization is closely related to the concept of equality, which is also an essential characteristic of the modern nation state. The pursuit of equality is also a dynamic historical process, and the 'content' of equality is constantly changing. The fundamental difference between homogenization and equality lies in that the former is a 'positive' process, which requires certain differences to be erased while the latter is in a sense a fictional attitude in that it argues that certain differences will not be taken into account, or at least for political ends, to act as if these differences did not exist. While, for example, when homogenization acts on the dimension of religion, religious minority groups might be forcibly converted, assimilated, expelled, or even

⁷⁷ Paul Dumouchel, "Il territorio come figura dello spazio politico" in *Sazio Sacrificiale, Spazio Politico*, M.-S. Barberi ed., Masa: Transeuropa, 2013, pp. 107-126.

physically destroyed. Equality means that individuals are considered equal (in relation to the law) notwithstanding the many differences which exist between them, for example, religion, gender, age, wealth, position, ethnicity or even culture. These dimensions are treated as politically irrelevant. Thus, in the case of homogenization, individuals will be made the same on a certain politically important dimension, while in the case of equality their differences on many dimensions will not be taken into account politically. Actually, both homogenization and equality reflect, though in different ways, the need or requirement of homogeneity in modern states and are complementary.

To some extent, territoriality could be used to sum up the former characteristics of the modern nation state. Sovereignty, national economy, national culture, even nationalism, all go together with territoriality. Within the territory, a society has become a homogeneous nation with the development of a national economy and a national culture. The state has the monopoly of legitimate violence over that territory and achieves its legitimacy by representing the nation and promoting its economic progress. It is in this sense that the modern state has become a nation state.⁷⁸

4.7 The international community of modern nation states

Territoriality is also closely related to the next characteristic of the modern nation state, that is, the existence of a plurality of modern states and an

⁷⁸ Saskia Sassen puts forward the concept of territorialization of authority and rights. In the modern nation state, within the territory are homogeneous populations with equal rights; the state defines individual rights through laws and guarantees them through its monopoly of legitimate violence. See Saskia Sassen (2006), chapter 2 and 3.

international system. As Heather Rae points out in *State Identities and the Homogenization of Peoples*, nation building was mutually constitutive processes in which the boundary was constructed through on the one hand internal homogenization and on the other hand interaction with other states that were engaged in a similar process of internal consolidation.⁷⁹ Thus, borders between modern nation states separate political entities of the same kind. Outside the territory of a modern nation state are the territories of the same type of political entities. Modern nation states constituted an international system. On the one hand, modern nation states in principle regarded each other as equals and recognized the legitimacy of each other's sovereignty over their own territories, which implies that they could 'cooperate' with each other and set rules to manage their relationships. On the other hand, in the international system there was balance of power among states, but there was no monopoly of legitimate violence. Consequently, the possibility of conflicts among states was always present.

Carl Schmitt in *The Concept of the Political* defines the political as the distinction of friend and enemy. According to Schmitt, the characteristic of the modern nation state as a particular form of the political is that the friend-foe distinction coincides with the territorial separation. Inside the territory of a modern nation state live the same people, the homogeneous members of the nation or citizens of the state, outside are other nations which are its potential enemies and might threaten the way of life of the nation. Schmitt argues that there is always the possibility that a potential

⁷⁹ Heather Rae, *State Identities and the Homogenisation of Peoples*, Cambridge, U.K. Cambridge University Press, 2002.

enemy becomes an actual one, and thus the possibility of real conflicts among nations always exists. The state power is sovereign, according to Schmitt, because it is the state that in critical situations defines who is the enemy and fights the enemy with all the power of the nation.⁸⁰

Actually, Schmitt's concept of sovereignty, based on the friend-foe distinction, is not contradictory with, but rather complementary to Weber's conception of the state as the monopoly of legitimate violence. While Weber defines state power from inside, Schmitt takes that aspect for granted and defines state power in relation to the outside. Schmitt's claim that no enemy exists (or should exist) within the nation is essentially equivalent to Weber's claim that the state holds the monopoly of legitimate violence and that private violence has become illegitimate. However, the modern state's sovereignty lies not only in its monopoly of legitimate violence within its own territory, but also in its right to wage war against other nations. The legitimacy of the state power comes from its role, or duty, to protect its national interest from other nations. Thus, in the international system, all members have the same claim to legitimate violence for their own preservation, and as a result, (as in the Hobbesian state of nature) violence is always possible, though at the same time it is also possible to set up rules to partially regulate the form and intensity of conflicts.

⁸⁰ Carl Schmitt, *The Concept of the Political*, translation, introduction, and notes by George Schwab, with Leo Strauss's notes on Schmitt's essay translated by Harvey Lomax, foreword by Tracy B. Strong. Chicago: University of Chicago Press, 1996.

4.8 The world system dominated by modern nation states

Modern nation states constitute a club, cooperating and competing with each other. At the same time, this international system of modern nation states has an 'outside,' made of countries who have not yet transformed into modern nation states and are hence not included in the club. These 'no-nations,' to use a term coined by Tagore,⁸¹ nonetheless constitute a necessary condition for the 'progress of modern nations,' and thus are forcefully (often violently) incorporated into a world system dominated by modern nation states.

The world system defined and dominated by modern nation states thus has three levels, the modern nation state, the international community of modern nation states, and an outside space composed of 'no-nations.' During the colonial period of modern world history, modern nation states recognized each other's sovereign power over their own territories, but did not recognize the legitimacy of the political power of 'no-nations' of countries exterior to the nation state club. These were regarded as backward people. The land they inhabited was not regarded nations' territories, but as free, open land which modern nation states could explore and exploit at will.

In *The Nomos of the Earth*, Schmitt argues that in continental Europe, there existed rules, agreed upon by the international community that aimed at limiting the intensity of conflicts among its members – the laws of war and international conventions. However, these rules did not apply outside of the mainly European nation state club; in the space that was regarded as open

⁸¹ Radindranath Tagore, *Nationalism*, New York: the Macmillan Company, 1917.

land no limit to the use of force was recognized.⁸² Under the 'legitimate' claim of expanding their national interests and culture, modern nation states invaded those 'no-nations,' colonized them, pillaged their possessions, exploited their resources, or even at times exterminated large proportion of their population.

The colonial expansion did not make modern state less national. Rather, national interest constituted a primary justification of all state enterprises in the colonial period. In fact, modern nation states did not really try to incorporate the colonial territories into their own territories and to turn the population living there into citizens. Rather, they ruled their colonies in a very different way from the way they ruled their homeland, acting as an allegedly superior race ruling over inferior people. As Sassen argues, the worldwide expansion of market economy in the period of high imperialism was essential to the interests of national capitalism.⁸³ And as many other authors point out, nationalism was the motive force behind nation states' imperial expansion. These world scale expansions were ideologically justified by the promotion of national culture and the carrying out of the national will. Educational systems were (usually) established in the colonies to 'civilize' local populations, or more exactly to changing them into a people behaving and thinking like member of the nation living in the metropolis. However, ironically, nationalism in the mother country also implied refusal to accept as equal nationals large numbers of already 'civilized' colonial people.

⁸² Carl Schmitt (1950). *The Nomos of the Earth in the International Law of Jus Publicum Europaeum*. G.L. Ulmen, trans. Telos Press, 2003.

⁸³ Saskia Sassen (2006), chapter 3.

As argued by Schmitt and other scholars, the existence of open lands and the unlimited nature of the violence that was exerted there can to some extent be regarded as a condition for the limitation of violence among competing nation states and even for the state monopoly of legitimate violence inside the territories of modern nation states. At the same time, colonial and imperial expansion also constituted a source of conflicts among nation states. This especially became the case as open lands were disappearing with the progress of colonial expansion and as peoples in open lands struggled to shake off the shackles imposed upon them by nation states and to transform themselves also into modern nation states.

Hannah Arendt, whose political stance is quite different from that of Schmitt, argues in *The Origin of Totalitarianism* that the ruthless practices perpetrated by Western powers in their colonies were brought back to their homelands during the WWI and WWII.⁸⁴ Unlimited violence among nation states led to the collapse or at least to a profound transformation of the world system dominated by modern nation states. One can argue that the twentieth century witnessed the progressive end of the system, which started with the two World Wars, continued throughout the after war period of decolonization, and which now, with the progress of globalization after the end of the Cold War, is almost finished.

Conclusion

In conclusion, it is possible to draw a coherent picture of the system of

⁸⁴ Hannah Arendt, *The Origin of Totalitarianism*, New York: Harcourt, Brace & World, 1951.

modern nation states by pointing out the interrelationships among the above characteristics. The first two characteristics, the state monopoly of legitimate violence and the representative nature of modern state power, to some extent constitute the fundamental nature of modern state power from the point of view of politics. On the one hand, the state monopoly of legitimate violence and the centralized state administration guaranteed the peace and unity of the nation and facilitated the growth of the national economy and culture. On the other hand, the representative nature of modern state power makes that politics no longer is the predominating domain of society; rather, the authority of the state power is to some extent justified by its role in the development of the comparatively independent domains of national economy and culture. The third and the fourth characteristics, the modern state's roles in promoting economic growth and maintaining a homogeneous national culture, relate to those two domains but in relation to modern industrial society. The fifth and sixth characteristics, the prevalence of nationalism and the territoriality in many ways sum up the former characteristics and are related to characteristics seven and eighth: the international system and the world system dominated by modern nation states. Nationalism constituted the ideological justification and motivation for the nation building within the territory of a modern nation state and for all economic and political enterprises aiming for the expansion of national interest and culture outside of the state's original territory that characterized the colonial period.

We can now examine to what extent the political philosophy of liberalism corresponds to the political system of the modern nation state. First of all,

Max Weber's descriptive definition of the modern state as the monopoly of legitimate violence is very much in accordance with the normative claim of the social contract theory that all individuals give up their right to use violence and transfer them to the state. It is in fact a translation in the language of sociology and political theory of the idea of sovereignty as found in political philosophy. The representative nature of modern state power may be seen as an expression of the liberal claim that the legitimacy of the state power comes from the agreement of the people. The role of the state to promote, but not dominate the development of national economy and culture corresponds to the idea that the state should protect, but not interfere with, the development of the civil society. Liberal authors acknowledge that in order to establish a common wealth a certain level of homogeneity and common sense or common spirit among the people is needed. Even the conflicts among modern nation states and the unlimited violence towards the 'open land' during the colonial period historically have largely been justified classic liberal authors. Hobbes had already mentioned that sovereign states in relation to each other remain in the state of nature. And Locke argued that to deal with the savages outside of the civilized world there is no need to respect their rights.

The model presented in this chapter has also indicated that the system of modern nation states is a dynamic, essentially historical entity. As a political form it corresponds to the growth and expansion of modern commercialized society. Notwithstanding, or perhaps because of the internal peace and order modern nation states succeeded in establishing, there also was great violence

and injustice during that period, through nation building within the territory of each state, in the conflicts among various nation states, and in the exploration and domination of the 'no-nations', when 'no-nations' were finally internationally recognized 'modern states', the system collapsed or at least radically changed.

The following chapter will put forward of a model of ancient Chinese state, in view of comparing the political structure of ancient China with that of the modern nation state. When China started its political modernization, the goal was to transform the political system of ancient China into that of Western style modern nation state. However, it seems that China has not until now entirely succeeded its political modernization. The comparison of these two models will provide a perspective to see the problem inherent in China's political modernization process.

Chapter 5 A model of ancient Chinese state

5.1 Unification of the country

The central characteristic of the modern nation state as classically defined by Max Weber is the state monopoly of legitimate violence. If we examine ancient China with this definition of modern nation state in mind, we might have the impression that China already showed some essential similarity to a modern state some two thousand years ago when the first dynasty Qin (秦) unified the whole country and ended the Warring States period. Under the rule of the First Emperor (始皇帝), feudalism (封建制) was abolished; counties (郡) and prefectures (県) were established throughout the country. These were ruled by officials appointed by the central government. With statute laws and a hierarchical bureaucratic system, state power was essentially centralized in the hands of the emperor.

In fact, the process of political centralization had been going on long before the final unification by the First Emperor. With the decadence of the feudalist system of the Zhou (周) dynasty, more and more feudal lords transformed their domains into sovereign states and began fighting each other for larger power. Inside those warring states, feudalism was increasingly abolished and centralized administration was established by drawing officials from the newly born intellectual class, *shi* (士).⁸⁵ The common people (民) were more

⁸⁵ As for the discussion concerning when the intellectual class *shi* first appeared, see Tong Shuye 『春秋左传研究(校订本)』童书业著, 童教英校, 中华书局, 2006年。

and more incorporated into the state system, paying taxes and providing military services to the state. Among the warring states, the Qin state is the one which carried out these measures most thoroughly and efficiently, and thus became the strongest and finally defeated all six other large competing states and unified the whole of China.⁸⁶

To some extent, the Warring States period of China resembles the period in Western European history when absolute monarchies began to be established. However, the end points of these two historical periods are different. Modern Western Europe saw the transformation of competing monarchies into competing democratic nation states and into an international system governed by the 'balance of power'. In China, the competition and fighting among warring states lead to the end of the Warring State period. The whole country was unified under one monarch, the emperor. From the second dynasty Han (漢) until the last one Qing (清), notwithstanding many variations and developments, ancient China essentially inherited the political system of Qin. The term ancient China usually refers to this period of Chinese history, from the first dynasty Qin until the last dynasty Qing (清).

5.2 The rule of the emperor and the dynastic cycle

In modern Western Europe the state's monopoly of legitimate violence continued uninterrupted notwithstanding the transformation of the state form from absolute monarchy to representative democracy. The state

⁸⁶ For a detailed and enlightening description of this process, see Mark Edward Lewis, *Sanctioned Violence in Early China*, 1990, State University of New York Press.

monopoly of legitimate violence was actually to some extent reinforced during that transformation. However, in ancient China, there was no such transformation of the state form. Throughout two thousand years of history, ancient China was always ruled by emperors. Further, the ancient Chinese state could not always maintain its monopoly of legitimate violence over the country. Even though the ruling dynasties from Qin onwards all acquired the monopoly of legitimate violence when first established, none of them could maintain this monopoly continuously. Periodically, the political rule of an ancient Chinese dynasty started declining, its government was increasingly losing the capacity to enforce state laws and to keep social order; the country would finally fall into civil wars, until a new dynasty with a strong government replaced the old one. The political cycle of order and disorder and the changing of dynasties are fundamental characteristic political phenomena in ancient China. Thus, on the one hand, the political system of ancient China throughout two thousand years remained largely unchanged, on the other hand, the cyclic mechanism of dynastic change constituted the flip side of the stability of the political system.

Unlike what is the case in modern nation states, the legitimacy of the emperors in ancient China did not come from their being representatives of the people, but from their having the Mandate of the Heaven (天命). Usually, at the early stage of a dynasty emperors were strong and powerful; however, their descendants would become more and more impotent and finally lose real control over the state. Correspondingly, the government officials when a dynasty was first established were largely competent and honest, but as

times went on, government officials became increasingly corrupted. The government then could no longer keep peace and order. At this stage, the dynasty was said to have lost the Mandate of the Heaven, rebellion of the people became legitimate. The rebel leader who succeeded overturning the old dynasty and in establishing a new state was regarded as the new holder of the Mandate of the Heaven. Hence began a new dynasty.

Ancient China was actually ruled by a hierarchical bureaucratic system. The emperor was the highest official, sitting at the top of this pyramid-like system. There was no balance of power as that found in the modern West. In principle, the emperor had the supreme power; he was the only legislator, the supreme judge, and the highest executive; all government officials were ultimately accountable to him. But in reality, the power of the emperor was to a large extent restrained by his officials, who usually would grasp real power as time went by. The government official who was delegated as governor of a region became both the highest judge and governor over that area. There was the system of balance of power among officials, but often it did not work well, since the officials had a tendency to collaborate with each other, or when they rebuked each other they often did it for factionary interest. It is said that: 'Power tends to corrupt, and absolute power corrupts absolutely.' This saying applies to ancient China very well. The pyramid like bureaucratic system put itself high above society and held absolute power over it. Even though the proclaimed goal of government was to serve the wellbeing of the people, people in ancient China had no legal right either to criticize government or to intervene in its functioning, no means of redress

when government officials behaved badly. Moreover, the many people also tried to corrupt officials in order to advance their own 'self-interest,' and this process further harmed the public interest. Thus, notwithstanding the so-called balance of power which existed between the Emperor and the bureaucracy, the ancient Chinese state with its absolute power was doomed to corruption and collapse as time went on.

5.3 Small household agricultural economy as the foundation of the state

The modern nation state came into being together with capitalist market economy. The modern state sees market economy as the foundation of its strength and power and works to serve the economy and to guarantee its proper functioning. In contrast, in ancient China, the state regarded agriculture as its foundation (以農為本), and considered handicraft production and trade as less important and even sometimes as harmful to agricultural production. In the ideologically classified four classes of occupations of the people, the intellectuals, the peasants, the handicraftsmen, and the merchants (士、農、工、商), commerce was regarded as the lowest type of activity (末業). Commerce in ancient China was socially discriminated against and legally restricted.

In ancient China, the majority of the people lived in rural area, leading a largely self-sufficient life on a small piece of land. Clearly different from the primogeniture system found in feudal societies, family properties in ancient China were usually divided among all grown up children. As Isamu Ogata

pointed out, Chinese people mostly lived in small family, with an average of five members.⁸⁷ It was this large number of independent rural households that provided taxes and services to the government. At the same time, the small household economy made people essentially powerless and totally dependent on state power. Unlike what happened in the modern West where economy became an independent domain, the mainstream of economy in ancient China was essentially dominated by the political and bureaucratic state power.

The entrenched self-sufficient lifestyle of Chinese peasants to some extent constituted one reason that China failed to develop into a commercialized and industrialized society for two thousand years. Nonetheless, given the scale of the market, commerce in unified ancient China had grown to an enormous size and gained a large degree of complexity. Foreseeing that commerce might threaten its predominant position over the society, favoring agriculture over commerce (重农抑商) was an important political strategy throughout ancient China. The desire and pursuit of money was ideologically despised, private property was not regarded as sacred by state laws, the scope and forms of doing business were greatly restrained by the state, finally, the wealth of rich merchants was one of the most important targets of unjust expropriation by corrupted government officials. However, though commerce as an economic sector was systematically restrained and suppressed by the state in ancient China, many rich merchants usually could maintain their

⁸⁷ Ogata, Isamu 尾形 勇、『中国古代の「家」と国家— 皇帝支配下の秩序構造 —』、岩波書店、1979年10月。

wealth by finding support from individual officials. They did this by different ways including giving bribe to government officials. This on the one hand facilitated the corruption on the part of the government officials and the decadence of the whole bureaucratic system. On the other hand it also to some extent impeded the function of free market itself.⁸⁸

In ancient China, many dynasties when first established tried to redistribute land to guarantee that most people had a piece of land to live on and to pay taxes based on its production. However, as time went by this largely originally equal distribution of land would disappear. Land would be more and more concentrated into the hands of landlords. This is because, on the one hand, heavy taxation or bad weather might push small household peasants into bankruptcy and they had to sell their land in times of need, while on the other hand, rich landlords, many of whom came from families of government officials or were successful merchants, had various motivation to buy more land and were able to. They employed landless peasants to cultivate their land as tenants. These laborers would provide them not only with a safe income, but also with some form of social power. As powerful families in local society, they were also able to influence to a greater or lesser extent the decisions of the local government.⁸⁹ Thus, in the declining period of a dynasty, economic inequality grew dramatically and the government was increasingly losing its revenue and correspondingly its ability to rescue the

⁸⁸ Though bribing government officials could also constitute a way to facilitate the functioning of the market in cases that the government restriction prevented its proper functioning.

⁸⁹ In ancient China, the big official landlords usually had the privilege of some taxes exemption.

poor. Consequently, natural disasters in this period would often result in large numbers of refugees, which constituted another factor of the social unrest and political instability.⁹⁰

5.4 Homogeneous but not generic culture

As we mentioned in last chapter, the state monopoly of legitimate violence and administrative centralization in modern West go together with an industrialized market economy. Benedict Anderson points out that, in modern industrial society, the division of labor is complex and constantly changing, which requires explicit, precise, and context-free communication among members of society. One important role of modern state is to maintain a homogeneous national cultural through a universal educational system. Further, in modern market economy, exchanges do not create bonds. Their overarching rule is that of perfect reciprocity. In such an exchange, one side buys and the other sells; when the exchange is over, they no longer have any necessary relationship. Modern state uses laws not only to define crimes and guarantee social peace, but also to define and guarantee the basic rules of free market economy such as free competition, free contract, etc.⁹¹

⁹⁰ Many authors explain the dynastic cycle of ancient China as the result of such an economic mechanism. See Mark Edward Lewis, *The Early Chinese Empires Qin and Han*, first Harvard University Press paperback edition, 2010; John King Fairbank and Merle Goldman, *China a New History*, The Belknap Press of Harvard University Press, 2006. Concerning rich merchants buying lands, we have to acknowledge that this was a general trend. As QIN Hui and JIN Yan(2010) points out, in some specific situations, merchants showed no interest in investing in lands. 秦晖, 金雁, 『田园诗与狂想曲:关中模式与前近代社会的再认识田园诗和狂想曲』, 语文出版社, 2010年。

⁹¹ For an enlightening discussion of the transformation from traditional

The centralized state power in ancient China regarded small household agricultural economy as its foundation. Chinese peasants in good times did not have to sell their labor, but rather lived largely self-sufficient life from a land which they owned. Generally speaking, commercial exchanges occupied only a minor place in most people's life. Rural Chinese society was organized by traditional, mainly Confucian customs and rituals. Most people lived in their home village and the area close to it throughout their life. Unlike the principle of universal reciprocity central to modern market economy, social relationships in Chinese rural society were dominated by nominal reciprocity. The communication in rural society was rather implicit, imprecise, and context-dependent. Most peasants were illiterate. The state did not usually interfere with the 'social autonomy' in rural society. Laws were designed in such a way that people tried to avoid litigation.⁹² As a result, the vernacular culture in ancient China was very much diversified, with many very different local dialects, catering culture, characteristics, even prototype facial and bodily forms.

However, compared to the diversified vernacular culture, with the unification of the country and the centralization of state administration, there came into being in ancient China a unified 'high culture.' The holder of the high culture was the ruling bureaucratic class. During the second Han

reciprocity from perfect reciprocity in modern society, see Paul Dumouchel, *Le Sacrifice Inutile, Essai Sur la violence politique*, Flammarion, 2011.

⁹² For a detailed discussion of the social mechanism in rural China, see Fei, Xiaotong (1947). *From the Soil: The Foundations of Chinese Society: A Translation of Fei Xiaotong's Xiangtu Zhongguo*. Translated by Gary Hamilton and Wang Zheng. University of California Press, 1992.

dynasty, Confucianism was adopted as the state ideology, which argues for benevolent government ruled by morally superior officials and a sage ruler who had gained the Mandate of Heaven. Confucian classics became the textbooks of school education, the end of which was to provide candidates for government official positions. With the introduction of civil-service examination system in Sui (隋) and Tang (唐) dynasties, the ideological status of Confucianism in ancient China became even more deeply entrenched. However, from the very beginning of ancient China, other forms of political thinking, first of all Legalism (法家) which argues for absolute control of the people and proposes a Machiavellian way of maintaining power, had become an importance source of philosophical thinking among rulers and government officials. As some scholars point out, the dominating high culture in ancient China was in fact a specific kind of bureaucratic culture (官文化), which included not only the rhetoric of Confucianism and the Legalist methods of power manipulation, but also many concrete strategies to move upwards in the bureaucratic hierarchy and to make money out of political power.⁹³

Corresponding to the high culture of the bureaucrats also came into being a culture of the people. Notwithstanding the diversified forms of vernacular culture mentioned earlier, the culture of the people was also in some way essentially homogeneous. As in the case of the high culture, local culture was also largely dominated by Confucian ideology and customs, especially those

⁹³ LIU, Yongji, *A Critique of Chinese Bureaucratic Culture*, 『中国官文化批判』刘永信著, 北京: 中国经济出版社, 2000年。

concerning family relationship. Further, as was the case in modern nation state, the existence of a unified national market and the development of print industry facilitated the spread of a homogeneous vernacular culture in both rural society and in cities with the circulation not only of academic writings but also of popular literature, poems, dramas, novels, etc.

In local society, the elite had a large influence over society. Local elite also provided the candidates for government official positions by sending their children to school, and they actually collaborated with the rule of the state officials. The local elite constituted the bridge between the common peasants and the state. However, as mentioned earlier local elite also collaborated with or to the corruption of government officials. Further, local elites' turning to a new ruler at the change of dynasty would dramatically hasten the process, given their influence over local society.⁹⁴

5.5 The ambiguity of territory

Territoriality is a fundamental characteristic of modern nation states. It means not only that a modern state has clear boundaries separating one country from other countries, but also that the state exerts its sovereign power equally everywhere within its territory, something which presumes or implies some form of homogenization of the population. In ancient China, the concept of territory existed, but it was not as crucially related to the state power as in the modern state. Physically, the exact size of China's territory

⁹⁴ As for detailed discussion of the role of local elites in ancient Chinese history, see Yuri Pines, *The Everlasting Empire, The Political Culture of Ancient China and Its Imperial Legacy*, Princeton University Press, 2012.

was vague. The boundaries between ancient China and its neighbors were unclear and constantly changing. Politically, boundary areas were much less well-governed than the central area of the empire. Peripheral areas were politically less important than the center, whether it was a border area or remote land, far away from where the government was located. Moreover, notwithstanding the high degree of homogenization of its population and culture, there always were many largely autonomous minority groups within the country. The sovereign power of the central government over these minority groups was clearly more limited than over the majority Chinese. Generally speaking, the ancient Chinese state did not try to force the small minority peoples to change their life style into the mainstream Chinese way, as long as they recognized the sovereign power of the state.

5.6 Ancient China and its world system

This difference towards the territory of the state is related to the fact that we are dealing with different international systems. In the system of modern nation states, there exist many states. Boundaries separate political entities of the same type. The presence of other similar political entities was to some extent a necessary condition for the construction of the modern nation state. Thus, modern states constituted an international community in which they competed as equals, recognizing each other's sovereign power over its own territories. Outside this international club of nation states were 'no-nations', countries which had not yet transformed themselves into modern nation states. The colonial expansion into this outside 'open lands' was an important

part of the modern nation states' pursuing of their national interest.

But in ancient China, the Chinese state for most of its history was singular, unique, and incomparable to other political entities close by. There were no other competing neighboring states of the same kind. Countries such as Korea or Vietnam, which in time adopted a political system similar to that of ancient China, had for a long time been the tributary states of China. The nomad peoples in the north and west were always in a potential state of conflict with China. In most of time, ancient China had no intention to expand its territory outside, let alone to colonize these outsiders. On the contrary, it was more to the interest of the nomad peoples to invade China. Throughout 2000 years of history, invasion from the outside constitutes one of the most entrenched problems of ancient China. There were even several dynasties established by the nomad peoples.⁹⁵

As mentioned in the first section, something similar to what took place in early modern Europe happened during the Warring States period of Chinese history, when many centralized states evolved through a process of fighting and competing with each other. However, unlike what happened in Europe, the Chinese warring states only competed among themselves; they did not try to look for open lands outside where they could carry out their dispute. The Warring State period of China ended up with the rise of a single unified state, rather than with a set of independent nation states that continued competing with each other.

In Chinese language, the political entities in the Warring States period

⁹⁵ As for the way ancient Chinese dynasties dealt with neighboring states, see Hori, Hitokazu 堀敏一、『東アジア世界の歴史』、講談社学術文庫、2008。

were called states (国), understood in its plural form, while the unified empire afterwards was referred both as state (国), understood in its singular form, and as 'all under the Heaven' (天下). Actually, the unification by the First Emperor was called 'the unification of all under the Heaven' (統一天下). Consequently, the unified state of ancient China regarded itself as the complete world, ideologically ignoring the importance of neighboring countries, though in reality it had to 'cope with' them in one way or another. Chinese emperors saw themselves as the most or the only legitimate power in the world. They believed that they had received the mandate of the Heaven, and hence were superior to all surrounding political powers. Ancient China developed a tributary system that defined its relation to neighboring peoples, trying to live together peacefully with them as long as they recognize the supremacy of the power of the Chinese emperor.

5.7 Workdism not nationalism

In the world system dominated by modern nation states, we see the prevalence of nationalism. The modern nation state is closed, it is not easy for a foreigner to become a national, and it is almost impossible for a foreigner to rule a nation of which he is not a national. At the same time, the system of nation states is an extremely expansive form of political entity, the whole world was first involved in it through offensive colonial expansion, and today, with the end of the colonial period, almost all countries have become nation states, at least formally.

Somewhat like modern nationalism, ancient China not only claimed its

state power as supreme, but also regarded its own culture as superior than that of other peoples. There were a few words to describe the peoples outside of Chinese territory, all of which had the connotation of cultural inferiority. On the other hand, unlike modern nation state, in ancient China came into being a kind of 'worldism', more exactly, the 'all-under-heaven-ism'. Politically, this was first of all exemplified by the deeply entrenched pursuit of unification of the entire Chinese world. This was further indicated by ancient China's effort to incorporate outside peoples into its world system through tributary arrangement. At most times during Chinese history, boundaries were largely open and outsiders were generally welcome in time of peace. Many nomad peoples migrated into the Chinese interior. As time went by, many of them adopted the Chinese way of life and could no longer be distinguished from other Chinese people. On the other hand, there were also many times when different nomad peoples invaded ancient China, some of them established their own dynasties. But even as the ruling people, most of them finally adopted the form of the traditional Chinese government, and changed themselves into Chinese. As a result, the territory of ancient China throughout 2000 years history expanded a lot, and the population of ancient China also enlarged greatly, in spite of its heterogeneous origins.

Conclusion: different types of political violence

Ancient China was obviously not a nation state, but neither was it a feudal society which could be 'naturally' transformed into a modern nation state following the typical road taken by modern Western European state. If we

agree that ancient China was to some extent a world system by itself, then this system is essentially different from the world system dominated by the modern nation states. They are marked by different types of political violence. In a modern nation state, internal peace was guaranteed as a result of a nation building process, especially the homogenization of the population and the centralization of state power, which was by no means a peaceful process in itself. A modern nation state was from its beginning not an isolated polity. The state's monopoly of legitimate violence or the continuing peace within a nation state related not only to the political system inside the state, but also had as one of its conditions the constant possibility of violence towards others, other nation states or towards 'no-nations.' Following Marx Weber's definition of the modern state as holder of 'the monopoly of legitimate violence', Carl Schmitt defined the politics with the 'friend-enemy' distinction and pointed out to the possibility of actual violence with outside enemies. In the world system dominated by modern nation states, violence never entirely disappears; it is only spatially separated from peace.

While in ancient China, the political unification put an end to the violence of the Warring State period. As the term warring states indicated, there were constant wars during that time; political violence took the form of wars among competing states, which to some extent resembled the situation of wars among nation states in modern times. However, warring states in ancient China, unlike early modern nation states, did not try to go outside to find and establish colonies, which might provide them with new strength and temporally defer conflicts among themselves. Notwithstanding the

‘continuing internal peace’ inside each state, the burden of this kind of political violence, that is, interstate wars, was too heavy for them. Even though none of the warring states was willing to be destroyed by others, unification was a historical trend, and already ideal even in that period of ancient China.⁹⁶ The unification was finally realized by the most powerful warring state Qin, which made its success by rigidly applying the legalist (法家) policy of political centralization and totalitarian mobilization and control of the people for hundreds of years.

The First Emperor, rather than building a feudal empire as had happened throughout the history before him, after unification decided to expand political centralization throughout the whole country and thus started a new period of Chinese history. The following dynasties essentially inherited the political system of the First Emperor, though they tried to hide and alleviate the totalitarian aspect of the legalist policies through advocating Confucian ideology and the ‘system of the rituals’. However, ancient China could not escape the curse of violence in this new historical constitution. The unchecked power of the bureaucratic system was doomed to become corrupt as time went on. In fact, there was only one way for the people to check the absolute power of the ruling bureaucratic class, that is, to overthrow them when it became corrupt beyond repair. The dynastic cycle appeared. Violence and peace in ancient China were separated temporally, not spatially as in the system of the modern nation state. In a modern nation state, the state

⁹⁶ For detailed discussion on the role of the idea of unification in ancient China, see Yuri Pines’s *The Everlasting Empire, The Political Culture of Ancient China and Its Imperial Legacy*, Princeton University Press, 2012.

monopoly of violence is legitimate, and its violence, limited or unlimited, against other states or over the 'no-nations,' is justified at least from its own point of view. In ancient China, when a strong dynasty was established, the reality of state monopoly of violence was certainly legitimate, but when the government became corrupted and could no longer keep social order, violence aiming at replacing that dynasty also became justified.

Somewhat like the position of liberalism with regard to the system of the modern nation state, Confucianism constituted the state ideology in ancient China. The sovereign power of the centralized state, the unification of the whole country, state legitimacy deriving from the Mandate of the Heaven, the promotion of government officials according to merits and virtues, the emphasis of the system of rites and the de-valorization of the rule of punitive laws, the local society with filial piety as its main moral principle, the change of dynasty resulting from the legitimate rebellion of the people, the sense of superiority of Chinese civilization compared to its neighboring countries, etc., all of these are to be found in Confucian political thinking.

What Confucianism failed to realize is that the absolute power of the state over society and the privileged position of the bureaucratic class constituted the underlying systematic reason that doomed to decadence all dynasties in ancient China. Further Confucianism could not accept that throughout nearly half of the history of ancient China, 'barbarian' neighbors were damaging or even ruling the 'civilized' central state of China. Confucian scholars finally could not believe that 'Chinese civilization' essentially lagged behind the 'Western modern civilization' during the last and most powerful of

its dynasties.

At the starting point of China's political modernization, the goal was to transform the political system of ancient China into a modern nation state. In reality, China's modern history was incorporated and under the mercy of the world system dominated by modern nation states on the one hand. On the other hand, it could not escape the curse of its ancient past. In the concluding chapter of this second part we will first address the implication of the foregoing comparison for China's modern history. After pointing out what is the central problem of China's political modernization, we will explore in a final chapter how a combination of liberalism and Confucianism can provide the philosophical foundation for the transformation of China's political culture and its future political reform.

Conclusion

Chapter 6 the curse of violence and the possibility of breakthrough

6.1 The 'success' of China's modernization process

From the mid of 19th century, China was forced to join the world system dominated by modern nation states. The foreign invaders this time were the Western Powers as well as the westernized Eastern power the Japanese modern nation state. These modern invaders were much more powerful than previous nomad invaders. More importantly, these foreign powers were not aiming at establishing a new dynasty or in adopting Chinese culture as most nomad invaders had done. Rather, they wanted to turn China into their colony. Chinese people soon began to adopt the logic of this modern world system, that is to recognize its own 'backwardness' and to try escaping the fate of being colonized by transforming itself into a modern nation state. However, this new situation and new ideology concealed another side of the reality, that is, the typical modernization process in response to colonization (revolution, independence and nation building) coincided with or was conform to the specific Chinese history of dynastic cycle (the decay of an old dynasty, the invasion of foreign peoples, civil wars, and finally the establishment of a new dynasty).

Though from a historical point of view, as discussed above, the political system of ancient China was essentially different from the system of modern nation states, factors essential to modern nation state building were by no

means lacking in the political constitution of ancient China. The concept of revolution against a decadent dynasty and the ideal of unification of the whole country had already been profoundly discussed in Confucian classics and both ideas were deeply rooted in the political sensibility of all classes of Chinese people. Political centralization and totalitarian mobilization and control of the population could also be found in the practice of ancient Chinese state. In a sense, the modern 'success' of the Chinese revolution and nation building was not an accident, at least not a completely new achievement. China's modernization process was facilitated by China's own political tradition.

Yet, the modern history of China was by no means the pure repetition of the old dynastic cycle. As mentioned in the introduction, Chinese people adopted the modern Western ideology of revolution and nation state building. The claimed aim of the revolution was to transform China from despotism into a democratic republic. The end of the nation building was to industrialize the country as soon as possible. In this process of modernization nationalism also played a fundamental role. Nationalism to a large extent decided the result of the wars, both the war against the Japanese invasion and the civil war among the warlords as well as between the Nationalist and Communist.⁹⁷ Nationalism also directed many policies of the Communist regime. China's land reform was probably the most thorough one in modern

⁹⁷ During the war, imperial Japan succeeded occupying large parts of Chinese territory. However, unlike what happened in the past, it was no longer acceptable for Chinese to be ruled by foreigners. At the same time, Japan did not want to rule China in traditional sense, rather it attempted to turn it into a colony.

history, which together with the ideology of proletarian dictatorship almost completely destroyed the traditional elite class. Collectivization and state-led industrialization played a crucial role in transforming China into a major player in the international community of modern states. As a result, China had become a much more homogeneous and equal society by the end of the pre-reform period. At the same time, in the world system of modern nation states, China, especially during the pre-reform regime, totally gave up its old concept of 'all under the Heaven' and began to regard itself as one state among many others and to acknowledge that many of them were more powerful than itself. Constant concerns regarding foreign 'enemies' actually constituted one important motivation for its domestic mobilizations. Finally, many problems with the pre-reform period such as the dual structure of the urban and rural economy, the lack of efficiency due to strict state control of the economy and the society were largely solved by the market oriented economic reform. Thus, modern China has to a large extent succeeded its transformation into a modern state. And as far as economy is concerned, China has now become one of the most powerful states in the world.

6.2 The curse of political violence

However, modern China could not escape the curse of violence both of the modern world system and of its own history. There is a story about a conversation between a famous scholar Huang Yanpei (黄炎培) and Mao Zedong four years before the establishment of the People's Republic of China. Huang asked Mao how the Communist China could avoid the old dynastic

cycles, that is, the corruption of the government officials and the decline of the state power. Mao answered that we can surely avoid it by democracy.⁹⁸ However, notwithstanding its' having become modern in many other aspects, China had not really succeeded becoming a democratic republic. It seems that China's political problems are not so much due to its being a 'communist totalitarian regime,' as is claimed by the West, as it is due to the difficulties that China inherited from its long history. To put it in other words, the underlying fundamental problem with the communist regime in today's China has a lot in common with the fundamental problem of the political system of ancient China.

In the pre-reform period, under the leadership of Mao Zedong, the Communist Party held total power over the society. It seems that the totalitarian control of society in pre-reform period was somewhat similar to the strict Legalist state control of the people in the warring state Qin which later on unified the whole of China and established the first dynasty in Chinese history. Actually, different from most ancient rulers, Mao highly valued the Legalist school and the achievement of the First Emperor. On the other hand, ironically, though the Communist ideology strongly criticized Confucianism as 'feudal thinking', the personality cult toward Chairman Mao was not completely different from the cult toward a great founding emperor who was regarded as having the Mandate of the Heaven.⁹⁹ Hence,

⁹⁸ Huang Fangyi 『憶父文集-黃炎培与毛沢東周期率對話』黃方毅著，人民出版社，2012年。

⁹⁹ Theodore de Bary points out in his that in Mao's behavior in the pre-reform period one could discern in his character a kind of unconscious combination of the sage king and the prophetic Confucian scholars. *The Trouble with Confucianism*, Harvard University Press, second printing, 1996. p. 102.

the 'socialist democracy' in pre-reform period of China was essentially different from a liberal democracy typical of a modern nation state. The monopoly of legitimate violence in communist China was realized by strict administrative control of the society rather than by the rule of law. It seems that punitive laws were still but a complementary means of state control, as was the case at most times in ancient China. The collectivization in the rural area and industrialization led by state-owned enterprises together with the strict family registration system made people almost completely lose their freedom of movement. Economically, the structure of industries was deeply unbalanced, and economic stagnancy became a major problem. The social and political chaos resulted from the several mass movements launched by Mao throughout that period led to numerous violations of human rights, as well as to the destruction of traditional Chinese culture.

In the three decades of the reform period that came afterwards, notwithstanding rapid growth in the private sector, it is clear that the state still holds absolute power over the society, though its range has shrunk compared to the pre-reform period. In fact, there is no essential change from the pre-reform period as far as the political system is concerned. What the Communist regime did in the market economy reform is simply to give up some degree of control over the society, over rural society by returning to the pre-collectivization period and over industries by privatizing state-owned enterprises. However, the political system itself has remained the same. State power is still absolute in the sense that there is no adequate mechanism through which it can be effectively checked by the people. It is

still the bureaucratic system that rules China. Freed from strict state control, market economy could grow rapidly and 'spontaneously'. This seems to be one of the most important reasons for the economic success during China's reform period. However, without the rule of law guaranteed by a democratic state, the market cannot function properly for a long time. Actually, during most time of Chinese history, people were free from the direct control of the state. In principle it was possible for them to pursue their interest in the market. But in ancient China, country wide market economy and industrialization did not appear, largely due to discriminatory state policy against commerce and due to political predominance that led to oppression of the economy. In modern China, especially, in the reform period of China, notwithstanding the rapid economic growth, a lot of so-called economic problems appeared which are essentially related to the problem the country's political system.

If the government was largely uncorrupted during the Mao era, due to the prevalence of Communist ideology, corruption has become the most severe problem in the reform period. In the political system of present day China, administration and political control are not really separated; most civil servants are party members. Unlike what exists in most developed countries where the corruption of civil servants is comparatively rare, corruption in China is the problem for the whole bureaucratic system. As was the case in the ancient Chinese state, the bureaucratic system still largely dominates over all the society, and Chinese government officials still constitute the most privileged social class. A kind of 'bureaucratic culture' (官文化) exists not only in the government sector as such, but also permeates in all other sectors of

society, especially in the public service sector, public schools, public hospitals, public transportations, etc.¹⁰⁰

Unlike ancient society, where most people lived a largely self-sufficient life in small communities, in a modern industrial society, the power of the government is felt more deeply in every aspects of social life. The problem of China's political system, especially the problematic complicity of power and capital in the reform period, constitutes the ultimate source of many social and economic problems. In present day China, social security, especially for the poor who need it the most, is inadequate and the quality of public services unsatisfactory; unfair competitions in the market has hugely widened the gap between the rich and the poor; problems with the rule of law lead to catastrophic production incidents almost every day and to severe destruction of the natural environment. The crime rate is rising and justice is not done in many cases; social turbulence breaks up more often throughout the country; riots and the separatist movements are fermenting in some large minority groups. These are all the problems of modern China, however, they are also the modern manifestation of the perennial problem of ancient China, the doomed decadence of political power through corruption.

In its recent history, China also had to face problems related to a world system dominated by the West. After the colonial wars and the two World Wars, every country came to be officially and legally regarded as an equal member of the international community. However, in reality it is not the case

¹⁰⁰ As for the detailed discussion of the bureaucratic culture, see Liu Yongji 『中国官文化批判』 (A Critique of Chinese Bureaucratic Culture) 刘永佶著, 北京: 中国经济出版社, 2000年。

that all are equal. In the post-WWII world system, China was by no means favorably situated. As a new state after 1949 China was still at a disadvantaged position in the post-colonial world system, first as a member of the Third World during the Cold War and then as a developing country during the post-Cold War era. The 'developed countries' still see China as a potential threat and a real target of economic interests. Today, notwithstanding its superficially high economic growth rate, China remains in the disadvantaged end of the international division of labor, exporting low price labor intensive and environmentally unfriendly products throughout the world. It has now to some extent been re-colonized' by multinational corporations, which are backed by the states of their home nations.¹⁰¹

Politically, China throughout that period was (and still is) strongly criticized by Western democracies. However, with the end of the Cold War and the progress of economic globalization, the model of modern nation state is actually falling apart. Homogenization and equality within the territory of Western states are disappearing. Territory, which was an essential characteristic of the modern nation state, is being replaced by a network organization of nodes, of power connected to each other, between which are many holes and abandoned empty spaces, while the territory was continuous and homogeneous.¹⁰² However, notwithstanding the evasion of human rights

¹⁰¹ Nishikawa Nagao defines the huge influence of the political, economic, and cultural power of developed countries in developing countries in the post-cold war period as a kind of 'new colonization.' 『〈新〉植民地主義—グローバル化時代の植民地主義を問う』西川長夫著、平凡社、2006年。

¹⁰² This is partially related to technological change, such as internet, and the development of modern transportation. See P. Dumouchel, "Inside Out, Political Violence in the Age of Globalization" in *Contagion*, 15/16:175-184.

and inequality found in the West, it is still invoking the rhetoric of democracy to serve its own purposes. Presently, almost all divisive movements of in China's big minority groups are more or less supported by the West.

6.3 The possibility of a breakthrough: democracy as the goal of China's political reform

The goal of China's political modernization at its starting point was to become a Western style modern nation state. It seems clear that China has not completely succeeded this transformation. However, the meaning of political modernization has become ambiguous today, and it is in consequence not evident that the end of China's modernization process – if it is still appropriate to use that term – should still be to become a modern nation state. This is not only because major modern nation states in the West are undergoing a profound transformation due to the process of globalization, but also due to the fundamental problems internal to the model of modern nation state itself. As a society with many, small and big, minority groups, and with a diversity of local cultures, strict homogenization like what happened in most Western style modern nation states was too cruel and almost infeasible to be practiced. And for a former member of 'no-nations' unfavorably situated in the colonial world system dominated by the modern nation states, that world system, as well as its later development are obviously unjust and must be rejected ideologically.

Further, as mentioned earlier, notwithstanding its modern appearance, the problems China is facing today are also to a large extent related to its

historical heritage, that is, the problem of the bureaucratic system as the real dominating sector of the society. This problem with China's political system is felt now by everybody. There appears growing discontent about the arbitrary power of the government and most of all about the widespread corruption of government officials. Even leaders of the Communist Party are now very much concerned by the rampant corruption and try to fight against it.¹⁰³ It seems that this time China can no longer ignore this old problem when facing its new challenges.

However, how to solve the problem is the real question. The spontaneous answer to China's political problem is democracy, which is not only the rhetoric of the Western criticism, but also the wish of most Chinese. But the answer cannot be that simple, since the problem is rather more complicated. Modern China is not an absolute monarchy, like those that existed in the early period of modern Western Europe, which might be changed into a democratic society through a Chinese style 'French Revolution'. The modern history of China shows that democratic revolutions either result in a weak state faced with chaos and the disintegration of the nation as what happened to the Nationalist regime or result in a totalitarian regime which choked the vitality of the country, as happened in the pre-reform period. In the reform period, the relaxation of the strict control over society and the giving up of Maoist mass movements were followed by the quick decadence of the whole

¹⁰³ The anti-corruption movement of the communist regime under the new leadership of Xi Jinping is the most recent action of the party to deal with the problem of corruption. Actually throughout the reform period, there were several tides of the similar kind of movement, all of which had little, if any, success.

bureaucratic system. At this point, the easy adoption of the Western rhetoric of democracy might lead China into further disorder, even division of the country and civil wars, the end of which would most plausibly not be a well ordered democratic society. What happened in Iraq and other countries shows clearly the dangers of such an approach.

At the same time, it seems that democracy does constitute the answer, or at least part of the answer, to China's political problem. In a modern commercial and industrial society, China's traditional political system, that is, the supreme power of a bureaucratic system can no longer function adequately to serve the society. Fundamental changes are urgently needed. To put it simply, there must be the separation between government administration and political power. The corruption of public servants is the most severe social problem in present day China. The origin of this problem is that the bureaucratic system as a whole constitutes the power holder in China. If this could to some extent be justified in ancient society with small self-sufficient households as the main economic agents, public service no longer constitutes the pre-dominantly important sector in modern society. Public services should in an industrial society with its complex social division of labor, become one profession among other professions. Once the public service is divorced from political power and put under the rule of law, the perennial problem of systematic corruption might finally disappear.

Further, there should be constitutional checks to limit the political power. It is needed to resort to a form of balance of power among different institutions and more importantly to strict public controls as means to

achieve this end. Multiple levels of elections should constitute only one among many institutional arrangements to limit the arbitrariness and the extent of the political power. The fundamental problem with China's traditional political system is that political power was not subject to checks by the people. Even though there was a system of checks and balance inside the bureaucratic system itself, the supreme power of the bureaucratic system as a whole was in no way responsible to those ruled. Only when the system became corrupted beyond repair and radically failed in its role would it be overturned and replaced by a new one. This kind of political system could work and last in an ancient society where the life of most people was comparatively independent from the decision of the political power, notwithstanding the strong negative effect on people's life in the periods of dynastic change. However, in a modern society where people are closely interrelated and where the power of the state reaches in almost every aspects of social life, the bad effects and injustice of unchecked power will be deeply felt all the time by everybody. Moreover, modern societies can no longer afford the social chaos resulting from the traditional style complete overturn of state power through revolution. Constitutional and constant check on political power is the only way to get out the political dilemma of modern China. Only when the state power becomes really representative, will the rule of law and an efficient state administration be realized, and the stable development of the economy and society be guaranteed.

In short, the rhetoric of the Western criticism of China's un-democracy is essentially a new version of the old concept of modernization in which the

West was regarded as the end of history. We should give up this deterministic interpretation of modernization in dealing with the political problem of today's China which was to some extent the result of the problematic conception and process of its modernization process. Actually, modern West has been constantly changing, while ancient China is still alive. Modern China, whatever as a 'no-nation' in the colonial period or as a member of the third world in the Cold War period or as a developing country today, has been sharing with others modern states the common problems. At the same time, China has its own particular political heritage from its ancient past. What goal China should adopt for its further political transformation depends on the specific and changing situation China is facing. Democracy is a choice, but not because it is the end of modern history, in which case it would not even be a choice.

6.4 The relationship between the political system and the political culture

It seems that the democratic system mentioned above is not really different from that found in most developed countries. However, the most important question is how can democracy be realized in China? In fact, the political system in modern China has already adopted the apparent form of democracy, though in a 'socialist' version, and all the major concepts in modern Western style democracy such as human rights, freedom, the sovereignty of the people, the rule of law, etc., are all written in China's constitution. Even an apparent form of division of power is present in the political system of China. However,

those concepts written in the constitution are largely dead letter and could not be really realized. It is now a matter of fact that all the state power in China is centralized in the hand of the party leaders and that China is not a real democracy. In order to fundamentally reform China's political system, the institutional design must fit the specific problems inherent in the history and reality of China and this would lead to a very different form of democracy from what is found elsewhere. The detail of this goal could only appear in the practice of real politics, which is beyond the objective of this study.

However, what seems clear is that in order for China's political reform to succeed, there must first of all be important changes in the field of political thinking as well as in the general political culture of the country. It is well known that liberalism predated the birth of modern nation state. And Confucianism appeared several centuries before the establishment of the first dynasty in ancient China. It is now the time for a similar fermentation in the field of political philosophy to happen. The theoretical questions under the specific background of China's political dilemma must be raised and sufficiently discussed, and some essential consensus, perhaps overlapping, be reached. Corresponding to this theoretical fermentation, there must also be a fundamental transformation of the political thinking of common Chinese people. Only when most people in a society reach a sufficient level of consensus and hold a firm belief of it concerning the future of their society, can institutional reforms succeed.¹⁰⁴

¹⁰⁴ Kaji Nokuyuki points out that Confucianism played a role of religion, though silent religion, in ancient China and in other Eastern Asian countries, and it should still play

such a role in modern society. 『沈黙の宗教：儒教』 加地伸行著、筑摩書房、2011年。Tu Weiming, from a different point of view, argues that Confucian beliefs actually have certain characteristics similar to a religious belief, and that liberalism is not essentially different from Confucianism as far as this point is concerned. Tu Weiming, *Confucian Thought: selfhood as creative transformation*, State University of New York Press, eighth printing, 1997. The popularity of Confucianism in China today indicates that Confucianism may to some extent become a kind of secular religion, though silent, as it was in ancient China. This is a topic deserve a separate study. In this thesis, I define Confucianism as a normative political philosophy as is liberalism.

Chapter 7 the integration of liberalism and Confucianism

7.1 Why liberalism and Confucianism?

The combination of liberalism and Confucianism might provide a major philosophical justification for China's future political reform. However, one question may be raised: given that you have criticized both the continuous presence of the ancient Chinese political heritage in modern China and the goal to transform China into a modern nation state, given that liberalism and Confucianism constitute the ideology of modern nation states and ancient China respectively, how can the combination of liberalism and Confucianism provide the philosophical foundation for a political system essentially different from those two models. The answer to this question mainly rests on the three following related points.

First, though liberalism is often regarded as *the* ideology of Western style modern nation state, historically it clearly was not the only one. In modern history besides liberalism, republicanism, Communism, Fascism, and most of all nationalism, were all at times to some extent competing to become the ideology of modern nation state. Similarly, though Confucianism was officially adopted as the state ideology in most of ancient China, some other forms of political thinking, especially Legalism, which were essentially contradictory to Confucianism, were also part of the theoretical foundation of the ancient Chinese state.

Second, though China's political transformation should no longer aim at

becoming a modern nation state, and though the modern manifestation of the ancient Chinese political heritage implies that radical reforms are needed, it does not mean that the objective of China's political reform is to build a brand new state which will have no relation whatsoever with either ancient Chinese state or modern nation state. Rather, while the problematic aspects of both models must be dealt with, China should keep some essential aspects of its own political tradition and at the same time adopt some essential aspects of modern nation states.

Third, liberalism and Confucianism can help us determine which aspects of the two models should be abandoned and which should be maintained. As the political theory aboriginal to ancient China, Confucianism is most fit to criticize ancient Chinese state from the inside. However, Confucianism is not enough to put forward a real solution to the problem. Liberalism, from a completely different point of view could raise an even stronger criticism and at the same time provide a new solution to China's political problem. However, the liberal criticisms and suggestions, though apparently striking, may turn out to be superficial, because they are not adequate to deal with the specific nature of the problem. This paradox could only be solved by essentially combining liberalism and Confucianism, that is, by assimilating some aspects of liberalism into China's own tradition of political thinking.

This applied also to the problem of the model of the modern nation state. China has long been incorporated into the modern world system essentially dominated by the West, and hence must face the problems of this world system. China could not escape from that difficulty. Given that the discussion

has been essentially dominated by Western political thinking, Confucianism may offer a different point of view to address the problem, and the Confucian worldview might provide some new solution to it. If the largely different ways of discussion in liberalism and Confucianism can be bridged, this may constitute a major theoretical basis for the solution not only of China's specific political problem, but also for the world at large.

7.2 The possibility of convergence between liberalism and Confucianism

The ultimate end of the comparison of liberalism and Confucianism in this study is to explore the possibility of combining these two traditions of political thinking in view of China's political reform. The comparison of liberalism and Confucianism in the first part of the thesis has indicated that, as far as the theory per se is concerned, there are essential differences between these two traditions. Liberalism advocates the rule of law by a representative state to guarantee every citizen's rights which are equally given to all, while Confucianism argues for the benevolent rule of a sage king and his morally superior officials to facilitate the cultivation of human virtues. However, we could nonetheless discern some underlying similarities behind these differences. For both liberalism and Confucianism, the most primary claim is the 'definition' of what is most important for individual beings, either rights or virtues. The ultimate end of the state is to guarantee or facilitate the realization of individuals' rights or the cultivation of virtue. The most fundamental difference is probably their attitude towards morality. The concepts of individual rights and freedom liberate individuals from many

of the constraints of traditional morality. In contrast, Confucian insistence on virtue however can be regarded as typical of traditional morality. Corresponding to this difference, political power in the liberal state is constitutionally defined, while the realization of moral superiority is the focus of Confucian state theory. Without resolving this point of disagreement, liberalism and Confucianism cannot really be combined in order to deal with present day China's political problems.

Further analysis reveals that from a different point of view, that is, the point of view of political morality, we could also claim some fundamental similarities between Confucianism and liberalism, as represented, at least, in the writings of such authors as David Hume. There is a two-tier structure of morality in both liberalism and Confucianism. The principle of morality applied to the individual level is that of humanity, a term which defines what make human beings human. Hume's conception of humanity closely corresponds to the Confucian concept of ren (仁). Notwithstanding different points of emphasis, both traditions regard humanity as having its origin in the natural feeling of sympathy, both recognize the difference in the extent of humanity one has toward those who are socially close and those who are socially far, and both argue that reason can work to generalize humanity to all social relationship. The second level of morality applies to that of the political. Here, the principle of justice argues that the function of the state is to act for the good of the whole society. It is understood as a 'virtue of the institution' in liberalism and the morality of the state ruler in Confucianism is also a virtue. Justice is also exemplified in the individuals' participation in

politics and in their generally obeying the rule of the state.

Thus, though essentially different, liberalism and Confucianism are not really contradictory to each other. Furthermore, given their similarities at the level of moral philosophy and to some extent also at the level of their underlying theoretical structure, it seems possible to assimilate liberalism into the traditional Chinese political thinking of Confucianism, or in other words, it seems possible to transform Confucianism to incorporate the major concepts of liberalism. Since the ultimate end of this theoretical attempt is to understand the real problems of China's political system, the question how to integrate liberalism and Confucianism must also be directed by this purpose of solving China's political problems.

7.3 Democracy and public morality

As pointed out above, the central challenge for China's political system is democracy. In Confucianism, the legitimacy of the ruler came from his obtaining the Mandate of the Heaven, while the Mandate of the Heaven is manifested in the people's satisfaction with and endorsement of the state rule. This Confucian concept of the Mandate of the Heaven is not really contradictory to the liberal conception of democracy, the central claim of which is that the authority of the state should come from the agreement of the people. On the other hand, the concept of the Mandate of the Heaven is more a moral expression than a mystical one. In modern society, it is not probably possible to do away with the mystical connotations of this concept, while the moral connotation inside the concept of the Mandate of the Heaven

should be stressed. The concept of the Mandate of the Heaven in Confucianism emphasizes the embodiment on the part of the state of the political morality of benevolent governance and of justice. This Confucian morality of the state is actually in accordance with the constitutional and institutional guarantees found in liberalism which aim at preventing democracy from becoming a totalitarian regime such as was Fascism. On the other hand, through the concept of the Mandate of the Heaven, Confucianism kind of points out the dynamic and un-deterministic nature of the political morality and institutions, which to some extent is beyond the complete comprehension and control of human reason.

The major problem with Confucianism is its separation of the human beings into morally superior gentlemen (君子) and the morally inferior small men (小人). Confucianism claims that only the former should participate in politics while the latter should have no say in politics. In the historical background when Confucianism came into being, the morally superior referred to the intellectual class (士) who originally issued from the lowest portion of the noble class, usually younger siblings who devoted themselves to the state administration during the period of the formation of the first centralized Chinese states, the warring states. While the morally inferior small men referred to the peasants who were then almost completely outside of the practice of politics. Though the social structure changed greatly after the establishment of the first dynasty, the Confucian ideological distinction between the peasant class and the intellectual class could nonetheless still largely be applied in two thousand years of the history of ancient China.

However, the Confucian distinction between the morally superior and inferior has obviously lost its explanatory power in modern industrial society where most people are involved, largely equally, in the complex social division of labor. Most people are educated under a universal educational system, and have largely the same interest and capacity to participate politics, at least to define the most fundamental rules of the society. Given that Confucianism claims that all human beings receive equal seeds or sprouts of goodness and that it is self-cultivation that makes them morally superior or inferior, it should be possible in modern society for Confucianism to give up the anachronistic claim that most people are morally inferior small men who are not capable to participate in the election of the government. Moreover, two thousand years history of ancient China have indicated that it is precisely the supposedly morally superior bureaucratic class that periodically became morally corrupted, and brought about the fall of regime it pretended to be serving. Furthermore, the Confucian idea that most of people ruled are morally inferior to some extent contributed to the lack of public spirit and the political inactiveness on the part of the people, some of whom even collaborated with the corrupt government officials to pursue their illegal private interests. Confucianism in modern society has to give up, as what liberalism already did, the traditional connection of moral superiority and inferiority to and social groups.

However, Confucianism does not need to give up its fundamental requirement concerning the morality of individuals participating in politics. As we argued before, the political morality underlying the establishment

either of the Confucian benevolent state or the liberal constitutional state is the agreement or willingness of politically active individuals to guarantee the good of everyone within the centralized state. This primary political morality is in Confucianism indicated by the saying that 'the man of perfect virtue, wishing to be established himself, seeks also to establish others; wishing to be enlarged himself, he seeks also to enlarge others.' This saying can still be the guiding principle for the people to participate politics in modern China. With this public consciousness, voters in election would select those who commit themselves to improve the welfare of society as a whole rather than those who are committed to the vested interest of a small group only. Only with a firm acceptance and respect for this principle, can bring individuals acting as public persons¹⁰⁵ to voluntarily obey the rule of law and refuse to collaborate with the illegal exercise of power by government officials.

Confucian scholars believed that, whether or not they participated in the rule of the state as government officials, they were the ones who really understood what was right for all of society, or what was the Mandate of the Heaven. They believed that they were actually morally superior to the rulers, most of which were not sages, and that they had the obligation to advise the rulers and to criticize them if necessary. In history, political thinkers such as Confucius and Mencius did play such a role. Later on during the imperial period of China, Confucian scholar officials also tried hard to play the role of checking the arbitrary power of emperors and of other corrupted officials. However, as Theodore de Bary points out, the central trouble with

¹⁰⁵ In Chinese language the term citizen is translated as 公民, which literally has the meaning of public person.

Confucianism is that, in ancient China, the conscientious official-scholars could not effectively play the role of checking the arbitrary power of the ruler and representing the interest of the people, mainly due to that they have no real public support from the people.¹⁰⁶ In modern society, with the people having gained essential political power, public intellectuals as well as various public organizations including the press and the media in general should and could more effectively take over the role of traditional Confucian scholars, not only that of having a professional understanding of political problems, but also to give advice and to keep in check the power of the state. This however requires institutions and in particular – but not only – free speech and the freedom of the press.

Not less important is that the politicians in modern China should adopt the Confucian moral principle that ‘the man of perfect virtue, wishing to be established himself, seeks also to establish others; wishing to be enlarged himself, he seeks also to enlarge others’ as a central element of the morality of their profession. They should openly claim that as a political figure, the ultimate end of their profession is to ‘enlarge and establish’ the people. At the same time, as a citizen, a public person, they are the same as, and not morally superior to other citizens. As in most modern states in the West, politician should become a profession, not a class.

7.4 Individual rights, freedom and morality

The core concepts of liberalism are individual rights and freedom. The

¹⁰⁶ Wm. Theodore de Bary *The Trouble with Confucianism*, Harvard University Press, second printing, 1996. Chapter 6, the prophet and the people.

ultimate end of liberal democracy is to guarantee the rights and freedom of individuals. However, in Confucianism, the concept of individual rights and freedom are simply not there. If it is not impossible to assimilate the idea of democracy in Confucian political thinking, it seems a much more difficult task to incorporate the concepts of rights and freedom into Confucianism. The difficulty lies to some extent in the relationship between especially the concept of freedom and morality. As mentioned earlier, in liberalism, rights are equally given to all individuals, and thus are essentially subjective and independent of social relationship. The concepts of individual rights and freedom in consequence to a large extent 'liberate' individuals from the judgment of social morality, understood in the traditional way, for traditional morality reaches far inside the domain of what concerns the 'individual himself' as understood by Mills. Mandeville provocatively denied the rationality of traditional morality by asserting that private vices lead to public benefits. Actually the private vices for Mandeville can be related to the claim to individual freedom found in mainstream liberalism. Freedom was regarded as the most fundamental basis of the development of modern capitalist economy and civil society.¹⁰⁷

Moreover, modern liberal-minded philosophers redefined morality and proposed a kind of formal moral rule. Adam Smith in his *The Theory of Moral Sentiments* argues that a person should adjust his moral sentiments by resorting to a sense of impartiality.¹⁰⁸ David Hume asserts that the principle

¹⁰⁷ Mandeville, Bernard *The fable of the bees, or, Private vices, publick benefits*, Facsim reprint, 1714.

¹⁰⁸ Adam Smith, *The Theory of Moral Sentiments*, Gutenberg Publisher,

of humanity requires that one must generalize his sense of humanity toward everybody else, which he viewed as the work of reason.¹⁰⁹ Kant finally formalizes moral obligations as categorical imperatives.¹¹⁰ For all these modern forms of morality, freedom constitutes the prerequisite condition in order to be moral. If you are obliged to do something, which is usually the case in traditional moral teaching, you can no longer say that you do it out of your free will. Furthermore, in this modern understanding of morality, it is the individual who gives himself his own moral rule. Traditional moral teachings are no longer binding on individuals. Understood in this way, the concept of freedom is essentially compatible with morality, and in this sense the liberal conception of individual rights essentially constitutes a moral claim.

In the history of modern China, though democracy was ideologically regarded as primary importance for the modernization of China's political system, the concepts of individual rights and freedom were not emphasized. Sun Yat-sen, the founding father of the Republic of China, argues that China does not really need the concept of freedom since Chinese people already had too much freedom throughout their history.¹¹¹ In the pre-reform period, the liberal concept of rights and freedom was strongly criticized as the ideology of the bourgeoisie. The active political participation in the mass movement

reprinted, 2011.

¹⁰⁹ David Hume, *An Enquiry Concerning the Principles of Morals*, Cosimo Classics, 2006.

¹¹⁰ Immanuel Kant, *Fundamental principles of the metaphysic of ethics*, tr. by Thomas Kingsmill Abbott, Green, and Co., 1916.

¹¹¹ Sun Yat-sen, *The Three Principles of the People*, translated by Frank. W. Price, Shang Hai: the Commercial Press, Ltd, 1929.

launched by Mao could, at most, be regarded as a kind of positive political freedom, which is essentially different from the negative concept of freedom found in liberalism. In the reform period, the communist regime remains suspicious to liberal claim for individual rights and freedom, since the concepts of rights and freedom form the theoretical foundation of the criticism of China's undemocratic political system. Thus, how to incorporate the liberal concept of freedom into China's traditional political thinking is a fundamental question for China's political reform.

To some extent, Confucianism can be regarded as a kind of traditional moral philosophy since it urges people to follow moral teachings, such as being polite, generous, sincere, earnest, kind, etc. However, the value of these traditional moral teachings is not absolute, but rather relative in Confucianism.¹¹² Even for filial piety (孝), one of the most important Confucian virtues, Confucius argues that it must grow from a person's natural feeling. In a sense then that it should be free. It seems therefore that in Confucianism what is most important are underlying moral principles similar to the modern moral rules mentioned above. In *The Analects*, Confucius and one of his disciples discuss about the central principle of the Way, which is to be faithful to one's own heart (忠), and to try to put oneself in

¹¹² For example, once Confucius said to his disciple Zigong that to be absolutely faithful to his own word is the characteristic of the little man. *The Analects*, 13/20, 'They are determined to be sincere in what they say, and to carry out what they do. They are obstinate little men.' *The four books: Confucian Analects, The great learning, The doctrine of the mean, and The works of Mencius*. With English notes and translation by James Legge, the Chinese Book Co., 1930, p. 186-187. 言必信，行必果，硜硜然小人哉！

the position of others (恕).¹¹³ The latter half could also be described as reciprocity. In another conversation, Confucius interprets this principle as 'What you do not want done to yourself, do not do to others.'¹¹⁴ Actually in ancient China, as Theodore de Bary pointed out, there were some major trends of Confucian study which encouraged the individual's exercise of his autonomous conscience in interpreting tradition.¹¹⁵ The so-called too much freedom of ancient Chinese people, as complained by Sun Yat-sen, was actually their 'freedom' from direct government control in the ancient agricultural society, not the moral concept of freedom which implies the autonomous individual conscience as well the respect for others, the fundamental moral claim of both liberalism and Confucianism. If many of the concrete moral teachings of Confucianism no longer fit in modern society, it seems that the underlying general moral principles should be more applied in modern society. In modern China, what underlies the prevalence of corruption throughout the whole society is the decadence of the social morality not in the sense that people are no longer obeying the traditional Chinese teachings such as filial piety, but in the sense that individuals do not follow anymore that most fundamental moral principle: 'What you do not

¹¹³ *The Analects*, 4/15. *The four books: Confucian Analects, The great learning, The doctrine of the mean, and The works of Mencius*. With English notes and translation by James Legge, the Chinese Book Co., 1930, p. 44. 子曰：「參乎！吾道一以貫之。」曾子曰：「唯。」子出。門人問曰：「何謂也？」曾子曰：「夫子之道，忠恕而已矣。」

¹¹⁴ *The Analects*, 12/23. *The four books: Confucian Analects, The great learning, The doctrine of the mean, and The works of Mencius*. With English notes and translation by James Legge, the Chinese Book Co., 1930, p. 229. 子貢問曰：「有一言而可以終身行之者乎？」子曰：「其恕乎！己所不欲，勿施於人。」

¹¹⁵ Wm. Theodore de Bary, *The Liberal Tradition in China*, the Chinese University Press, 1983.

want done to yourself, do not do to others.' When most people in a society abandon this basic moral principle, individual rights and freedom will surely be violated. To some extent, to voluntarily comply with the moral principle which has been fully discussed in Confucianism is in accordance with respecting each other's freedom and rights. Conversely, the realization of individual rights and freedom require that most members of society voluntarily obey that formal moral rule in their actions.

Thus, the liberal conception of freedom seems to be in essential agreement with the underlying moral principles of Confucianism. This should make it possible to incorporate this core concept of freedom from liberalism into the framework of Confucianism. It is also possible to claim that the state should play the role of guaranteeing the basic rights and freedom of individuals with modern criminal laws, the central spirit of which is to some extent the legal description of the that primary moral principle. However, what is more important is that through every individual's freedom to pursue his or her own interest or end in life, the public good will be promoted and a civil society will develop. That is why the concept of freedom in liberalism gained such moral importance and it is in that sense that the liberal concept of freedom corresponds to an essentially positive moral claim.

However, this point relating to the positive function of freedom is largely absent from Confucianism. What is emphasized in Confucianism is the importance for morally superior gentlemen to pursue government officialdom. In the history of ancient China, the three major vocations of the people including agriculture, commerce, handicraft, etc., were regarded as inferior

to the work of government officials, and were supposed to be controlled by the state. Though Chinese people throughout history have enjoyed a large degree of personal freedom, as claimed by Sun Yat-sen, freedom as a concept never gained legitimacy as it did in modern society. Rather, though some people, influenced by Taoism, tried to pursue a kind of passive freedom, living as hermits in remote mountains, mainstream Confucian scholars struggled with great pain to pursue their positive freedom in a system of arbitrary state power. The problem with modern China to a large extent is the heritage of ancient China in the sense that state bureaucracy is still privileged and is still trying exert an arbitrary power over society.

Thus, how to give the concepts of rights and freedom its primary importance is also crucial for the success of democracy in modern China. It is actually not only possible but also necessary to incorporate the concept of freedom into the framework of Confucianism and to give it a crucially important position. As argued above in relation to the concept of democracy, Confucianism should and could give up its distinction of between morally superior gentlemen and morally inferior small men. In modern society, most people should be able to participate politics in one way or another, guided by the moral principle that 'the man of perfect virtue, wishing to be established himself, seeks also to establish others; wishing to be enlarged himself, he seeks also to enlarge others.' Actually, Confucianism could also combine that second moral principle with the concept of freedom. Confucius himself never realized his dream of serving the state as a higher level of government official, According to modern standards he was rather a distinguished educator and

political thinker. When someone asked why Confucius does not pursue politics by himself becoming a state official while he insisted that morally superior gentlemen should seek to obtain government office, Confucius responded that being filial to my father and friendly to my brothers 'also constitutes the exercise of government'.¹¹⁶ Thus, in Confucianism, though government is primarily important, a virtuous man could nonetheless perform his obligations outside of the state.

In modern society, family has retreated to the private sphere and no longer constitutes the main focus of human activity, at the same time most people are involved in a much expanded and complicated social life outside of the family. The individual behavior could no longer be defined by a few concrete rules such as being filial to one's parents, being friendly to one's brothers, etc., as was the case of ancient time. In modern society, the concept of freedom is more appropriate for the development of a civil society that is outside of the power of the state. This freedom is not the passive freedom that Taoist hermits were seeking, but has a more active sense similar to that pursued by the Confucian intellectuals in ancient China. Furthermore, this positive freedom is much expanded compared to its traditional form, in that positive freedom in modern society includes not only participation in politics, but more broadly participation in the development of civil society. Given legal guarantees of freedom corresponding to the first moral principle that 'what

¹¹⁶ *The Analects*, 2/21. *The four books: Confucian Analects, The great learning, The doctrine of the mean, and The works of Mencius*. With English notes and translation by James Legge, the Chinese Book Co., 1930, p. 21-22. 或謂孔子曰：「子奚不為政？」子曰：「《書》云：『孝乎惟孝、友于兄弟，施於有政。』是亦為政，奚其為為政？」

you do not want done to yourself, do not do to others,' the freedom to pursue an individual's own end of life in society will also be in accordance with the second moral principle that 'the man of perfect virtue, wishing to be established himself, seeks also to establish others; wishing to be enlarged himself, he seeks also to enlarge others.' Even though a person's pursuit of his or her own interest might unintentionally promote the public good, as claimed by Mandeville and Smith, consciousness of this fact, and the voluntary abiding of the second principle might further facilitate both the self-realization of individuals on the one hand, and the development of public good on the other. The open declaration and voluntary binding of the second principle in the whole society, not only in the vocation of politics, will make it obvious that the declaration and binding of the same principle in public service of the state is no more superior than other sectors of society. This could finally defeat the millennia long sense of superiority on the part of bureaucrats. The primary importance of freedom, combined with the traditional moral spirit of Confucianism, will constitute the central justification of the constitutional restraint of state power and guarantee the success of democratic reform in modern China.

7.5 Social rights, social justice and welfare state

After reinterpreting Confucianism to incorporate the liberal concepts of democracy and freedom, we need to discuss how the concept of social justice in liberalism and Confucianism can converge. As mentioned in part I, the concepts of welfare state and of social justice are later developments in

liberalism. This development is related to the invention of the concept of social rights beyond the original conception of civil rights. To the contrary, in Confucianism, it was from the beginning regarded as the primary role of the state to provide basic social welfare, since to satisfying the basic needs of the people is the precondition for their cultivation of virtues and a precondition for the development of a well-ordered society. Thus, in principle it seems not difficult to integrate the welfare function of the Confucian state with that of the liberal state.

However, as far as its welfare function is concerned, one important problem with the modern Chinese state, actually also with the ancient Chinese state, is the arbitrariness of state power. For example, in the Confucian ideal, the state should divide the land equally among the people. In the history of ancient China, this policy was practiced from time to time. In modern China, to equalize the property right of the land became the political ideal of Sun Yat-sen, the founder father of the Republic of China. The complete equal division of the land was finally realized by the Communist regime under the leadership of Mao Zedong shortly after the establishment of the People's Republic of China. With the dissolution of the collective ownership of land in the early reform period, all Chinese peasants re-received a small parcel of land, which constitutes a kind of minimum guaranteed living standard in the development of market economy. However, in present day China, ideologically (also legally), peasants have only the right to hold and use the land, but do not have the ultimate ownership, which is in theory in the hands of the state. With the systematic problem of corruption, this ambiguity of

land ownership led to country-wide problems of unjust expropriation of peasants' land. Further, also due to the problem of corruption, the quality and quantity of social welfare such as public education, medical security, public transportation, etc, cannot be effectively guaranteed.

To address this problem, Confucianism should add the concept of social rights into its own theory. This is perhaps not so difficult since the concept of social rights is essentially in agreement with the central Confucian concern with the welfare function of the state. What is important is to make it clear that the social rights of individuals correspond to the political obligation on all members of society. Every citizen, or public person in Chinese language, not only has the political right to participate politics in one way or another, but also has the obligation to pay tax for the public functions of the state, including redistribution of wealth. The boundary between civil rights, freedom, and social rights as well as public obligation, however, should be clearly defined. In this way, the citizens could on the one hand claim that the state must not only guarantee civil rights and freedom but also guarantee social rights.

7.6 Modern state and the world

Finally, one other problem modern China is facing relates to the process of globalization which is still largely dominated by Western countries. As argued above, the world system dominated by Western style modern nation states was problematic in the sense that the concept of individual rights, including civil and social rights, applied only to the citizens of the Western

states, but not to people in countries outside of the circle of Western style modern nation states, notwithstanding the fact that that world had been to a large extent integrated with the progress of globalization. During the past three decades, China has been increasingly incorporated in the world system which is by no means a just one. A great number of multinational companies entered China to employ its big market, cheap labors, loose environmental restrictions, etc. Moreover, it seems that present day China is 'abnormally' influenced by 'Western culture,' students in school spend more time on English than on Chinese, rich people including many high level government officials compete to send their children to the West. All these phenomena relate to the political problem of present day China in one way or another. The underlying problem might be that China as a country has partially lost the sense of subjectivity in this globalized world.

If China can succeed its political reform the problems it is facing related to globalization might be correspondingly resolved. However, it is not enough that China itself become free from the disadvantaged situation, since China has to have its own stance in the world. The reality of the world system is clearly unsatisfactory at least for most developing countries. Historically liberalism has been more focused on the institutional structure within the territory of a country, the international system is in a sense remained a blind spot for classical liberalism.¹¹⁷ The unequal or unjust treatment of the people outside of the circle of the modern nation states was to some extent justified

¹¹⁷ Recently, there is the whole development of what is called global justice, mainly proposed by liberal authors. However, this expansion of the liberal theory from within the state border to the whole world has not become a common sense in liberalism, and even less accepted in the real world of politics.

by liberalism, especially by authors as Locke, or Mills. This theoretical deficiency could be addressed by introducing the Confucian world view in international relation. Confucianism appeared in the period when China was divided into many states that were competing and fighting with each other. Though early Confucian scholars traveled around to persuade rulers in different states to adopt their political thinking, the underlying ideal was nonetheless the unification of 'the whole world' or 'the all under Heaven'. This ideal also played an important role in unifying the country again and again during two thousand years history in ancient China. For Confucianism and to a large extent for China also, given its historical experience, the model of modern nation state and the liberal idea to confine rights to those who participated in the social contract seems parochial and unjust. The unfair policy toward the people of the no-nations during the colonial period and toward the developing countries in today's globalization era is unjust according to the worldview of Confucianism. The Confucian concept of human virtue and positive freedom do not need a theory of social contract to establish the state. In Confucianism, both the state and the individual have the obligation, though in different ways, to help the less well-off to improve their life conditions.¹¹⁸ The Confucian teaching that 'all within the four seas will be your brothers' has become one important part of Chinese people's political belief.¹¹⁹ The concept of the equal beginnings of human virtue and

¹¹⁸ Amartya Sen in his also argues that individuals also have responsibility to improve the situation of social justice given their capabilities and positions. *The Idea of Justice*, Penguin Books, 2010.

¹¹⁹ The Analects, 12/5. *The four books: Confucian Analects, The great learning, The doctrine of the mean, and The works of Mencius*. With English notes and

the incorporation of the liberal concepts of equal rights and freedom, and China's own experience in ancient time as well during its modern history, could lead Confucianism to abandon the idea of Chinese culture superiority over other peoples. A world system of equal cooperation between different countries, with the ideals of the peace and of the political unification of the world would become the world view of Confucianism in modern time.

Conclusion

In present day China, liberalism and Confucianism appear to be two major forms of political thinking engaged in discussions of China's political problem. The objective of this study was to compare liberalism and Confucianism in order to provide a specific point of view on the problem of China's political modernization. The first part of the thesis compared the most fundamental conceptions and theories of liberalism and Confucianism as two major traditions in political thinking. The second part of the thesis compared the models of the modern nation state and the ancient Chinese state. The last part explored the implications of the two comparisons carried out in this study for the understanding of the problem of China's political modernization.

In conclusion, after having been forcefully incorporated in the modern world system dominated by Western style modern nation states, China as a 'no-nation' had from the beginning of this process set as the goal of its political modernization to become a modern nation state. In its modern

translation by James Legge, the Chinese Book Co., 1930, p. 159. 四海之内，皆兄弟也

history it largely followed the typical route of revolution, independence, and nation-state building. However, the comparison of the model of modern nation state and the model of the ancient Chinese state indicates that China's own political traditions, such as the legitimate rebellion to overturn an old dynasty, the centralization of state administration, the total mobilization of the people, etc., actually facilitated the process of nation state building, but that same political tradition, especially the absolute power of the bureaucratic system, also survived in its modern history, and to a large extent contributed to the corruption of its political system. In order to solve this problem in the political system of present day China, it seems that China should not only give up its ideological goal of becoming like the West, but also try to essentially form the heritage of its own political traditional.

The comparison of liberalism and Confucianism indicated that China could find the philosophical foundation of its political reform by essentially combining the Western political thinking of liberalism and its own traditional political thinking of Confucianism. In order to deal with the undemocratic nature of China's political system, Confucianism should incorporate the liberal concept of democracy, giving up the theoretical distinction between the morally superior and inferior men while maintaining its arguments of political morality for both individuals and the government. In order to deal with the problem of the lack of autonomy of Chinese civil society, Confucianism should further strengthen the concept of democracy by not only taking over the negative sense of individual freedom from liberalism through combining the concept with its first moral principle, but also by further

giving the concept of freedom a positive meaning through emphasizing its second moral principle in the development of civil society. In order to deal with the arbitrary state power in its function of providing social welfare, Confucianism could further combine its traditional claim that it is the state's role to guarantee the basic conditions of human life with the liberal concept of social rights and provide a clear boundary between individual freedom and public obligations. Finally, as far as the world system is concerned, Confucianism should try to advocate a more equal relationship among states and put forward the ideal of the peace and political unity of the world with its traditional thinking of 'all under Heaven' and with a more universal interpretation of human rights and virtues.

In short, this thesis focuses more on the theoretical exploration of the possibility to assimilate liberalism into China's traditional political thinking, Confucianism. However, the historical background of the philosophical exploration is the political problem in modern China and the ultimate end of the study is to explore the philosophical foundation for the solution to China's political problem. The comparison of the models of modern nation state and ancient China aimed at facilitating the understanding of the underlying issue in China's present political predicament, which will constitute the real question for the philosophical exploration to solve. This study could certainly be further enriched by a deeper inquiry into political theory, and a more focused examination of the real problems with China's political system.

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