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Confucianism and Chinese Normative Power*

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Abstract

Having been the most important economic power of East Asia for centuries and having expanded her cultural influence over an ever larger area, China's violent confrontation with Europe in the First Opium War (*Yapian zhanzheng*, 鴉片戰爭, 1839-1842) and the ensuing 'unequal treaties' (*bu pingdeng tiaoyue*, 不平等條約) that started the so-called 'century of humiliation' (*bainian guochi*, 百年國恥), dramatically put this historical position into question. As a result, Chinese intellectuals began to doubt the viability of Confucianism, and a period of cultural self-criticism set in. This explains why the West was adopted as a normative model for China's development away from Confucianism, and towards 'modernity'. The role of the West as a 'normative power' may have remained rather uncontested until the early 2000s, but the most recent decade has witnessed a renewed Chinese self-assertiveness accompanied by a re-appreciation for Confucianism. China is also increasingly advocating her developmental path as an alternative to the 'Washington Consensus'. This article discusses the nature of the Confucian state's normativity, and puts forward a hypothesis on why contemporary China witnesses a return to Confucian values.

Keywords: Confucianism, Civil Society, Normative Power, Washington Consensus, China Model

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臺灣人學學術期刊資料庫

I. Introduction

The transformations China has gone through since the launching of her 'Reform and Opening-up' policies (*gaige kaifang*, 改革開放) in the late 1970s have not only fundamentally changed the daily lives of 1.3 billion Chinese, but also have global ramifications. China's regained self-esteem that came along with a perceived relative decline of the West, is reflected in terms such as the 'China model' (*Zhongguo moshi*, 中國模式) which is advocated as an alternative developmental path for other developing countries to take. Chinese political leaders and academics alike also increasingly refer to the values of Confucianism that are (apparently) part of this 'China model'. Assessing the contemporary role of China on the global scene therefore requires an analysis of the country's Confucian politico-philosophical past. The philosophical premises of Confucianism, the nature of the Confucian state, and the fundamental differences between the Confucian state and 'Western' liberal democracy are discussed in the first part of this article. The second part of this article deals with the way in which the so-called Confucian 'all under heaven' (*tianxia*, 天下) concept is an essential element of the Confucian worldview, and has shaped the traditional perception of China as normative power. Hereafter, the collision of the European and the Chinese worldviews in the 19th century are outlined. The final section of this article discusses the economic and political development of East Asian societies according to the 'modernity concept,' i.e., the assumption that economic development will also lead to an enhancement of civil and political rights within the Western interpretation. The article concludes by putting forward a hypothesis on why such a development does not appear to be happening in China.

II. The Traditional Chinese Confucian State

A. Philosophical Premises

The Confucian *Lunyu*《論語》(*Analects*), the work in which all aphorisms attributed to Confucius (trad. 551-479 BCE) are assembled,[1] makes a moral distinction between cultivated persons, i.e., the Confucian elite (*junzi*, 君子), and commoners (*xiaoren*, 小人). In *Lunyu* 13.23, we read,

[1] The *Lunyu* must have been compiled by later generations of disciples, based on notes of Confucius's direct disciples. See Roetz on this (1998: 23-25).

臺灣大學哲學論期刊資料庫

> "The Master said: 'Cultivated persons (*junzi*, 君子) harmonize, they do not equalize; ordinary men (*xiaoren*, 小人) equalize, they do not harmonize'." (子曰，君子和而不同，小人同而不和。)[2]

This statement can be interpreted as that the Confucian *junzi*, in his interpersonal relations, is able to avoid conflict – he is able to harmonize – because his actions sprout from moral self-cultivation. This makes a society of *junzi* a harmonious society. Because a commoner lacks the ability to empathize with others, he tends to 'equalize,' not to 'harmonize'. A society of commoners therefore is bound to be a society of conflict. From *Lunyu* 8.9, it is further evident that commoners are not only judged morally inferior to noblemen, but also intellectually inferior. We read,

> "The Master said: 'The common people can be made to follow it [*i.e.* the Confucian Way], but they cannot be made to understand it'." (子曰，民可使由之，不可使知之。)[3]

According to Xunzi (ca. 300-ca. 230 BCE), whose interpretation of Confucianism was dominant when the Confucian doctrine was installed as state orthodoxy in 136 BCE, it is due to his moral and intellectual inferiority that the commoner is only concerned with his direct material needs and wealth.[4] *Xunzi* 8.7 states,

> "For the common people, inner power consists in considering goodness to be following customary usages, considering the greatest treasure to be wealth and material possessions, and taking the highest Way to be nurturing one's life." (以從俗爲善，以貨財爲寶，以養生爲己至道是民德也。)[5]

A commoner's unrestrained desire for material wealth and his orientation towards the satisfaction of his direct material needs on the one hand, and the

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2 "Zi Lu", *Lunyu*, see Appendix.

3 "Tai Bo", *Lunyu*, see Appendix.

4 According to Eno (1990: 136), the *Xunzi* should be considered the 'collective work' of the "Xunzi school" rather than the work of one individual. According to Sato (2003: 38), "[e]ven those who regard the Xunzi as a 'well-integrated work despite its miscellaneous and inconsistent guise' still argue that the last six chapters were added later by Xunzi's disciples".

5 "Ru Xiao", *Xunzi*, see Appendix. Translation: Knoblock (1994: Vol. II, 75).

臺灣大學政治學系

actual shortage of material goods on the other hand, explains why Xunzi insists on the importance of drawing boundaries between social classes. In *Xunzi* 5.4, we read,

> "What is it that makes a man human? I say that it lies in his ability to draw boundaries […] Of such boundaries, none is more important than that between social classes. Of the instruments for distinguishing social classes, none is more important than ritual principles." (人之所以爲人者何已也，曰以其有辨也[…]辨莫大於分，分莫大於禮。)[6]

Strictly adhering to ritual principles has a double function: (1) making sure that the commoner delays the immediate satisfaction of his desires – a necessity given the shortage of material goods, and (2) in doing so, adjusting individual conduct to the needs of society at large. Phrased differently, rituals are designed to make the common people behave in such a way that an orderly society that is ruled by the Confucian elite is not disturbed.[7] Rituals thus avoid social chaos (*luan*, 亂) and create (*zhi*, 治) order (*zhi*, 治). As *Xunzi* 4.11 states, social distinctions,

> "[w]ill cause anyone born to the world to consider the long view of things and think of the consequences, thereby protecting a myriad of generations." (將爲天下生民之屬長慮顧後而保萬世也。)[8]

Or, as was expressed by Confucius's disciple Mengzi (372-289 BCE) (*Mengzi* 3A4),

> "There are those who use their minds and there are those who use their muscles. The former rule; the latter are ruled." (或勞心，或勞力，勞心者，治人，勞力者，治於人。)[9]

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6 "Fei Xiang", *Xunzi*, see Appendix. Translation: Knoblock (1988: 206).

7 El Amine (2015: 33) therefore suggests to see "the dispositions sought for the common people (to refrain from stealing, to work hard, and to be "correct") as dispositions relating to orderliness, rather than virtuousness".

8 "Rong Ru", *Xunzi*, see Appendix. Translation: Knoblock (1988: 194).

9 "Teng Wen Gong I", *Mengzi*, see Appendix.

臺灣大學學術期刊資料庫

B. The Nature of the Confucian State

When, after the short-lived Legalist Qin dynasty (221-206 BCE), the former noble families who had been deprived of their power and privileges returned to power with the establishment of the Han dynasty (206 BCE-220 CE), this had major consequences for China's political organization, for the interpretation of the concept 'law,' and for the development of civil society. These developments are intricately connected to the introduction of Confucianism as state ideology in exchange for Legalism that had been the ideology of the Qin dynasty and that, in Confucian eyes, had shown its inability to maintain long-term social and political stability.

To assure social and political stability, the Confucians of the Han dynasty took Xunzi's advice to install strict social divisions at heart. Moreover, Xunzi's interpretation of Confucianism was framed within the holistic religious-cultural heritage of the Zhou dynasty (ca.1122-256/221 BCE) according to which the intricate connection between the constituents of the holistic world - heaven (i.e., the collective of ancestors), man, and earth - implies that any change in one of these constituents automatically has its impact on the other constituents.[10] That is to say, for the Han New Text School (*jinwen jia*, 今文家) Confucians, it was the task of the ruler (*wang*, 王 / *huangdi*, 皇帝) to maintain 'harmony' between all constituent parts of the holistic world.[11] It is precisely because the commoners are, according to the Confucian doctrine, not inclined to 'harmonizing,' but to 'equalizing,' i.e., to inciting conflict in the harmonious holistic world, that the range of their social behavior had to be curtailed, and regulated according

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[10] This explains why Needham (1958: 281-282) called this type of Confucianism 'Cosmological Confucianism'. The close connection between the domain of secular government and the realm of the divine is evident from the references to the *Shijing*《詩經》in the *Lunyu*: book I, ch.xv, 3; book II, ch.ii; book III, ch.viii, 3; book VII, ch.xvii; book VIII, ch.viii, 1; book XIII, ch.v; book XVI, ch.xiii, 2, 5; book XVII, ch.ix, 1, 2. Also see Shryock (1966: 4).

[11] This also explains the popular etymological explanation of the character *wang* (ruler). In Xu Shen's (許愼, ca.58-ca.147) *Shuo wen jie zi*《說文解字》([1981] 1988: 7b), the oldest etymological dictionary of the Chinese language, we read that according to Dong Zhongshu (董仲舒, 179?-104? BCE), one of the most important figures in the promotion of Confucianism to the status of state orthodoxy, it is so that when "graphs (*wen*, 文) were created in olden [times], three horizontal strokes that were connected through the middle, were called *wang* (王). These three are heaven, earth, and man, and the one who connects them is the 'ruler' (*wang*)."

臺灣大學學術期刊資料庫

to ritual prescripts. Also related to the holistic religious-cultural heritage of the Zhou dynasty is the importance of the ancestral cult: the connection of the political power of the Confucian elite with the realm of the divine (i.e., the ancestors) made the ancestral cult a ritual institution that sustained the existing political and social order, and fused in with Xunzi's appeal to consider the long view of things. The ancestral cult thus developed to be one of the essential parts of Confucian society and the state cult (Lloyd & Sivin, 2002: 193).[12]

The association of Confucianism with the ruling elite does not mean that traditional China was ideologically homogeneous. The dual structure of Chinese society may have stigmatized non-Confucian religions such as Daoism, Buddhism, and popular cults, as 'magic,' 'sorcery,' and 'superstition' (Bourdieu, 1971: 304-305, 308-309), but adherence to these cults by the commoners was allowed as long as this practice was not perceived as infringing on or as threatening to infringe on the position of the ruling Confucian elite. Even members of the Confucian elite themselves could adhere to a non-Confucian creed in their personal lives, as long as this did not undermine or was perceived to undermine their public role as Confucian models. This phenomenon was described by Hubert Seiwert (1994: 531-534) as follows:

> "As soon as we leave the domain of the ideological homogenous elite culture, it becomes clear that the cognitive and normative orientations of the elite claimed to possess universal value, but did actually not do so. Chinese history (not only the pre-modern one) is full of examples of attempts to […] render the correct interpretation of the world universal validity. […] The orthodoxy, i.e., elements of the world view that could bring social cohesion, did not belong to one of these three traditions (i.e., Confucianism, Daoism, and Buddhism) exclusively, but were shared by all – in any case, in so far as they were integrated in elite culture. […] What was expected of the members of the elite culture was not necessarily that they confessed to Confucianism, but rather that they confessed to the basic cognitive and normative orientations of civil religion. Here we touch upon the meaning of orthopraxy […]."[13]

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[12] Yu (2005: 51) states: "Just as the state's recognition of Confucius and its continual process of canonizing his descendants were indicative of its own moral discernment and enlightenment, so the designated descendants's fulfillment of their ritual duties on behalf of the state betokened their acknowledgement of the regime's legitimacy".

[13] My translation from the German original. Schmidt-Glintzer (2009: 27) described this

臺灣大學哲學系

The difference between 'orthodoxy' and 'orthopraxy' within the dual politico-religious make-up of Chinese society transformed Confucianism - at least for the elite - into a 'civil religion' defined as the moral standard that has developed from particular historical religious traditions, but does not speak from or represent any such tradition or school, and remains open to ongoing development.[14] Because the commoners did not have access to the social class of the Confucians and because this Confucian 'civil religion' was, for them, diffusing "collective sentiments that express more or less explicitly the general will of society" (Sun, 2013: 180), a civil society, i.e., the intermediate public sphere between the state and the family that is used by the people - either individually or in groups - to interact with the state, could not develop in traditional China.

As societies develop, however, "new interests and claims will emerge and new messages demanding changes in some respects will be sent and made public" (Patomäki, forthcoming). Procedures for working out mutual compromises among competing interests are therefore necessary. For understanding the implications China's dual social structure has had for the possibility to 'work out compromises,' Eric R. Wolf (1966: 5-9) provides some meaningful insights. He differentiates three 'funds' that determine a peasant's - the Confucian ordinary man (*xiaoren*)[15] - life: a 'replacement fund,' a 'rent fund,' and a 'ceremonial fund'. A peasant's replacement fund regards the amount of money, food and other things he needs to sustain himself and his household in economic terms. In order to be allowed to cultivate a certain plot of land, and thus sustain himself and his household, the peasant needs a 'rent fund': when someone exercises an effective superior power over a cultivator and can coerce the latter to pay rent, be it in labor, produce, or money, the cultivator's payment to that superior power constitutes his 'rent fund'. It is this paying of rent that fundamentally distinguishes a 'peasant' from a primitive cultivator. The peasant's ceremonial fund is the amount of means he needs for ceremonial expenditures. Ceremonials serve to underline and exemplify the solidarity of any given community, and rituals are, obviously, part of this. The maintenance of this ceremonial fund depends on

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phenomenon as "die Einbindung des Einzelnen in die Gemeinschaft [als] Grundfärbung aller politischen Philosophie Chinas".

14 See Bellah (1967); Kim & Ivanhoe (2016: 6).

15 Following Wolf's definition (1966: 2) that a 'peasant' is a person who "does not operate an enterprise in the economic sense; he runs a household, not a business concern," we may indeed characterize early Confucian China as a peasant society.

臺灣大學政治學系期刊資料庫

the production of surpluses beyond the replacement and rent funds. Eric R. Wolf (1966: 13) has characterized the dynamic relation between a peasant's replacement fund, his rent fund, and his ceremonial fund as follows:

> "To the peasant, his caloric minimum and his replacement fund will be primary, together with such ceremonial payments as he *must* make to maintain the social order of his narrow peasant world." (emphasis mine).

The perennial problem of the peasantry, as stated by Eric R. Wolf (1966: 15),

> "[t]hus consists in balancing the demands of the external world against the peasant's need to provision their households."

This implies that the replacement and the ceremonial funds which belong to - to use Max Weber's terminology - the *Gemeinschaft* of the peasant may come into conflict with the demands of society at large, i.e., the *Gesellschaft* that imposes itself on the peasant through the 'rent fund'. For the peasant, his own *Gemeinschaft* is fundamentally of more practical importance - it regards his survival in physical and social terms - than the larger society is, to which he has no full access because of China's dual social structure. This explains why, in periods when the peasant perceives an imbalance between his maintenance in physical and social terms and the demands of a coercing power, two strategies are available to him. The first strategy would be to increase production; the second is to curtail consumption. Increasing production is, at least in the short run, an impossible task. Agricultural productivity on a given plot of land cannot easily be augmented, and also an increase of one's personal plot of land is as a rule impossible. An increase of one's personal plot of land would, moreover, imply the necessity of a larger rent fund. Only in periods when state power would be diminishing to the extent that a power vacuum would develop, would a peasant have the possibility to enlarge the plot of land allotted to him without an increase of his rent fund, and even such an enlargement of his personal plot of land would only be possible to the detriment of the concerned peasant's neighbor, an act that would violate his social relations. The second possibility would be to curtail one's consumption. This is, indeed, the more readily available trajectory for the peasant. The peasant may curtail his consumption to the limit of starvation, and he may curtail his ceremonial expenses to the limit of alienating himself from his kinship group. When in times of crisis, the conflict between the replacement and the ritual demands of one's own kinship group on the one hand,

臺灣人類學會期刊資料庫

and the requirements imposed by the ruling elite on the other hand, reach the point where the peasant feels 'coerced' to give up on his minimum replacement fund or ceremonial fund, the commoner has no choice but to resort to violent uprisings. Such uprising were not seldom inspired by Daoist, Buddhist, or folk religious sentiments. It is such a situation that is characterized as *luan*, or chaos, by the Confucians. When a military suppression of such social and political violence - the only institutionalized procedure available - appeared ineffective, the Confucian elite explained this apparent impossibility to maintain the 'harmony' of the existing social order as the outcome of their shortcoming in functioning as a 'model' for the commoners. This explains why, for example, Mengzi stated that a successful uprising legitimates itself.[16]

C. Law and Morality in the Confucian State

The concept of 'law' in traditional China is directly related to the above. The Confucians may have seen themselves as 'model' for the commoners and as ruling through 'moral example,' they also realized that a juridical system was needed to rectify any behavior that deviated from the proscribed moral order. The vulnerability of ruling through a 'model' and the necessity of a juridical system is expressed in *Xunzi* 27.12, where we read,

> "The Former Kings employed ritual principles to indicate the causes of anarchy in the world. Today those who have cast ritual principles aside have pulled up the markers. Thus, the people are beguiled and deluded and so sink into misfortune and calamity. This is the reason that penal sanctions and punishments are so very numerous." (治民者表亂，使人無失，禮者，其表也。先王以禮義表天下之亂；今廢禮者，是棄表也，故民迷惑而陷禍患，此刑罰之所以繁也。)[17]

For the Confucians, punishments are a *post factum* means, only to be used when an offense has already been committed and when the moral example has, apparently, failed to work. 'Laws' therefore only have a temporal function as man-made instruments; they are of less value than 'rites' that were created by

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[16] *Mengzi*, 1B8: "The robber and ruffian we call a mere fellow. I have heard of the cutting off of the fellow Zhou, but I have not heard of the putting a sovereign to death, in his case" (殘賊之人，謂之一夫，聞誅一夫紂矣，未聞弒君也). "Liang Hui Wang II", *Mengzi*, see Appendix.

[17] "Da Lüe", *Xunzi*, see Appendix. Translation: Knoblock (1999, 209-210). Also see *Xunzi* 17.11.

臺灣大學學術期刊資料庫

'wise men of antiquity' and were transmitted to the present, and that, given the importance of 'the long view of things', have an eternal value.[18] This also explains why laws in the Chinese context are particularistic and why, within the holistic Chinese world view, the concept 'justice' is directly related to 'citizenship,' and not to (universal) human rights. The Chinese sociologist Fei Xiaotong (1992: 74) has in this respect characterized the Confucian state as determined by a 'differential mode of association' (*chaxu geju*, 差序格局), i.e., a model in which each interference of one individual with another is characterized by a peculiar mode of conduct and is, consequently, to be judged particularistically.

In traditional Chinese understanding, the most important purpose of the juridical is not to protect individuals against government interference, but to ensure that individuals correctly fulfill their duties *vis-à-vis* the state. An individual enjoys juridical protection only to the extent that he fulfills these duties, and when he fails to do so, he loses juridical protection. That is the moment when an individual is - in a negative way - confronted with 'justice' (Bodde & Morris, 1967: 4; Weggel, 1980: 127-128). The idea that citizens have to contribute to the maintenance of the stability of the state stands in stark contrast with the 'pursuit of individual happiness' that characterizes modern Western individual societies, and was characterized in the writings of John King Fairbank and Merle Goldman (2006: 258-259) as follows:

> "Interests were seen as motivating political actors in the West, from the king on down to the swineherd. Representative government was a procedure for working out mutual compromises among competing interests."

To sum up, if we define civil society as John King Fairbank and Merle Goldman (2006: 257) define it:

> "T[h]e democratic type of society that grew up in Western Europe beginning with the rise of towns independent of the feudal system

[18] Note that, originally, the Confucians opposed the codification of laws. In legendary times, which the Confucians idealized because the then rulers would have governed through moral example, punishments were highly exceptional. Laws, so was the conviction, have the tendency to exchange man's morality for preoccupation with laws, resulting in man being more concerned with adhering to laws than he would be with realizing his innate goodness.

臺灣大學學術典藏

> […] a pluralist society in which, for example, the church is independent of the state, religion and government are separate, while civil liberties (recently expanded as human rights) are maintained under the supremacy of law,"

then, indeed, Confucian China did not develop a civil society.

III. Chinese Normative Power

A. The Confucian '*Tianxia*' Concept

After the first emperor of China had unified the then 'Chinese' territory in his Qin dynasty in 221 BCE, and after the Han ruling house had transformed this Legalist Qin state into a Confucian state, the political elite and the commoners alike shared the perception of belonging to a common 'culture'.[19] When Emperor Yuan 元 of the Han (reigned 48-22) at the beginning of his rule declared that,

> "We make it a point to erect our ancestral temple ourselves, because this is the ultimate power that our authority can establish, eliminate hearths of rebellion, and unite the people." (因嘗所親以立宗廟，蓋建威銷萌一民之至權也。)[20]

he gave expression to his conviction that the Confucian state is characterized by an intricate connection between the ruling house that has received its mandate to rule from ancestry, and that serves as 'model to be followed' by the commoners in order to maintain social harmony.

The model role that the Confucian elite ascribed to itself not only regarded the commoners living in China as belonging to 'all under heaven' (*tianxia,* 天下), but also regarded the bordering regions as belonging to it as well. The *Liji* 《禮記》, a political handbook compiled in the Han Dynasty, has the following to say:

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[19] See Nylan ([2008] 2009: 61) who claims that the importance of rituals is that they gave the population a "sense of belonging to an 'imagined community' of supremely civilized subjects of the realm."

[20] *Hanshu* vol.73: 3116.

臺灣大學學術期刊資料庫

> "[…] The expansion of knowledge exists in the investigation of things. When things are investigated, knowledge is expanded; when knowledge is expanded, the will becomes sincere; when the will is sincere, the mind is correct; when the mind is correct, personal life is cultivated; when personal life is cultivated, the family is ordened; when the family is ordened, the state will be in order; when the state is in order, there will be peace throughout in 'all under heaven'." (致知在格物。物格而後知至，知至而後意誠，意誠而後心正，心正而後身修，身修而後家齊，家齊而後國治，國治而後天下平。)[21]

As much as the Confucian *junzi*, in his interpersonal relations, is able to avoid conflict, and therefore is able to 'harmonize' society, the Confucian state order is thus portrayed as being able to 'harmonize' the world at large. This statement of the *Liji* builds on the concept of 'China' expanding its cultural luster, as can be read in *Mengzi*, IA7,

> "[...] then what you, ruler, greatly desires may be known. You wish to enlarge your territories, to summon the courts of Qin and Chu, to rule over the 'central domains' (*zhongguo*)." (然則王之所大欲可知已。欲辟土地，朝秦楚，莅中國。)[22]

That in Confucian China politics was therefore always to some degree seen as 'homeland politics' is evidenced in the *Gongyang zhuan*《公羊傳》. In this book, which significantly influenced Han dynasty policies, the unification of 'all under heaven' is seen as the ultimate aim of government.[23] That this

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[21] "Da Xue", *Liji*, see Appendix.

[22] "Liang Hui Wang I", *M engzi*, see Appendix.

[23] Mittag and Mutschler ([2008] 2009: 439) have characterized the impact of the unification of 'Chinese' territory and the installment of Confucian rulership as follows: "In the Chinese view, the beginning of human civilization coincides with the emergence of the body politic, i.e. *tianxia*, 'All-under-Heaven'. Thus already the Yellow Emperor is said to have received and 'possessed' (*you*) *tianxia*, followed by the sage emperor Yao, who chose his successor Shun to 'confer' (*shou*) *tianxia* upon him. From Shun, *tianxia* was transmitted to the Great Yu, the founder of the semi-legendary Xia dynasty, and thence down to the Shang and Zhou dynasties. To be sure, the political and cultural elites of early imperial China were well aware that *tianxia* did not yet cover all the known 'world'. But the key point is their overriding conception that from the very beginning there was a 'universal' order which had been established by the Five Emperors (*wudi*) and handed down the ages."

臺灣大學學術期刊論文

interpretation of rulership permeated Chinese imperial history, is clear from an edict issued on the 1st day of the 6th month of 1751, by the Qing dynasty Emperor Qianlong (乾隆) (reigned 1736-1796). He declared that,

> "After our dynasty had united the empire, all non-Chinese peoples (*miaoyi*) of the regions of the world (*quyu*) within and without (the national borders) have proclaimed their connection (with our ruling house), and have addressed themselves (to it), so as to become subject to its transformative influence (*shucheng xianghua*, 輸誠向化)."[24]

B. The '*Tianxia*' Concept Challenged

Until the beginning of the modern times, China had – merely by the size of her territory and her population – remained the most important economic power in East Asia. This helps to explain why, through economic and political contacts with China, Chinese culture had expanded to the bordering regions, and why this had made it possible for the Chinese Confucians to continue to claim that their culture had a "transformative influence". This situation changed dramatically, however, with the incursions of European forces in China in the middle of the 19th century, and the resulting 'age of humiliation' (*bainian guochi*, 百年國恥).[25] The Confucian conviction that there is an intricate connection between the spiritual and the political world implies that any change in the political reality of China necessarily has to lead to a change in her religious make-up (Goossaert & Palmer, 2011: 43). That is to say that the new economic and political situation resulted in Confucianism becoming regarded as 'superstition,' in the same way as had traditionally been the case for Daoism, Buddhism, and popular cults. Directly linked to the 'modern' Western concept of the 'nation-state,' Sun Yatsen (1866-1925) brought in the Kuomindang (KMT, the Nationalist Party) as an alternative instrument to rally the political feelings of the people with the aim to establish a Chinese nation-state.[26] The Confucian cultural concept as a unifying instrument was thus replaced by a political one. This means that as much as it

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[24] Quoted through Göller and Mittag (2008: 100).

[25] According to Wang (2001: 402), it was especially after the 1870s that notions of 'humiliation' entered the writings of Qing dynasty scholars and diplomatic officials.

[26] This explains why in his inaugural speech on the first congress of the KMT in January 1912 he declared that he no longer wanted to 'govern' the state through the Party (*yi dang zhi guo*, 以黨治國), but to 'establish' it through the Party (*yi dang jian guo*, 以黨建國). See Fitzgerald (1996: 185).

臺灣大學學術期刊資訊網

had been the case in imperial China, also at this time the political aspirations of the people were primarily directed towards the collective, not towards the individual. This helps to explain why political and juridical reforms in the direction of developing individual freedoms for the citizens proved to be very difficult. This is despite what John King Fairbank and Merle Goldman (2006: 271) expressed:

> "In their urge for autonomy, the new entrepreneurs were running parallel with the academics centered in Beijing in the May Fourth Movement of 1919 and later. The industrialists favored the new education, with its teaching of pragmatism and respect for the individual,"[27]

IV. Contending Norms

A. A Framework for Analyzing Socio-economic and Political Development in East Asian Societies

According to the 'modernity concept,' economic development leads to an enhancement of civil and political rights in their Western interpretation. Randall Peerenboom (2007: 31-32) has in this respect outlined a framework for socio-economic and political development in East Asian societies. This framework is comprised of six steps: (1) in the first phase, the emphasis is on economic growth rather than on civil and especially political rights, whereby this economic growth is organized under an authoritarian regime; (2) the second phase is characterized by a pragmatic approach to reforms that have to ensure that the domestic economy is only gradually exposed to international competition, that key sectors of the economy are protected, and that infant industries are supported. In this phase, some aspects of the Washington Consensus, in particular the basic macroeconomic principles of the Washington Consensus for the domestic economy, are followed. Neoliberal aspects that would greatly reduce the role of the state through rapid privatization and deregulation are rejected and modified. The state also remains active in

[27] Commenting on the Republic, Fairbank and Goldman (2006: 257-258) state that individual autonomy "always seemed to threaten unity and order in the Chinese state, which its rulers felt depended upon the state's pervasive supervision of the people's lives. This universal social problem of balancing individual autonomy or liberalism against state-imposed unity and order was unusually acute and persistent in China".

臺灣大學

reducing poverty and in ensuring minimal material standards to compete in a more competitive global economy; (3) as the economy grows and wealth is generated, the government invests in human capital and in institutions, including reforms, to establish a legal system that meets the basic Fullerian principles.[28] Over time, as the legal system becomes more efficient, professional, and autonomous, it comes to play a greater role in the economy and in society more generally; (4) democratization in the sense of freely contested multiparty elections for the highest level of office is postponed until a relatively high level of wealth is attained; (5) constitutionalism begins to emerge during the authoritarian period, including the development of constitutional norms and the strengthening of institutions; social organizations start to proliferate and civil society begins to develop, albeit often a civil society with a different nature and political orientation than in Western liberal democracies, and with organizations with a political agenda subject to limitations. In this phase, citizens enjoy economic liberties, living standards continue rising for the vast majority of the people, and they enjoy some civil and political rights although with limitations, especially on rights that involve political issues and affect the control of the regime, judicial independence also remains limited, and not all universal human rights are fully protected; and (6) a phase in which there is greater protection of civil and political rights after democratization, including rights that involve sensitive political issues, although with rights frequently given a communitarian or collectivist interpretation rather than a liberal interpretation.

This framework builds on the premise that it is Western liberal democracy that sets the model for East Asian societies, i.e., that the civil and political rights in their Western interpretation that have developed along with the economic development of Western democracies – the so-called Washington Consensus – will also develop in East Asia as these societies become more economically affluent. According to Randall Peerenboom (2007: 191-192), the attractiveness of an 'alien' (i.e., Western) model hereby depends on seven factors: (1) the prestige, power, and normative appeal of the exporter or promoter, whereby it has to be noted that the United States and the European Union as well as the

[28] According to Fuller (1964), all purported legal rules must meet eight minimal conditions in order to count as genuine laws. The rules must be: (1) sufficiently general, (2) publicly promulgated, (3) prospective (i.e., applicable only to future behavior, not past), (4) at least minimally clear and intelligible, (5) free of contradictions, (6) relatively constant, so that they do not continuously change from day to day, (7) possible to obey, and (8) administered in a way that does not wildly diverge from their obvious or apparent meaning.

臺灣大學

member-states of the European Union often advocate their own models;[29] (2) the prestige, power, and normative appeal of the local promoters; (3) interest group politics - who will benefit and who will be harmed; (4) the nature and relative robustness of civil society; (5) economic factors, such as GDP per capita, growth rates, amounts of foreign direct investment, and other such economic elements as the distribution of wealth, the degree of marketization, and whether the money was earned through broad-based market activities, or is 'easy' money derived from the sale of oil or other natural resources; (6) the nature of the political regime and the level of development of political institutions; and (7) the institutional capacity to implement reforms.

In what follows, I will apply this theoretical framework to the development of social and political rights in China.

B. Norm Setting and Norm Taking

Similar to the developments during the first decades after the collapse of the Chinese empire mentioned above, also the coming to power of the Chinese Communist Party (CCP) in 1949, meant a refocusing on the establishment of state power, and a subordination of individual interests to those of the interests of the state. As Helwig Schmidt-Glintzer (2009: 11) stated, giving in to the fundamental desire to be free from any foreign intervention, the Chinese people gave up some of the fundamental freedoms they had first obtained through the nationalist, socialist, and anarchist movements of the end of the 19th and the early 20th century, to the favour of the unity and independence of the nation-state under CCP rule.

The Maoist years may have been advantageous for the country's political unity, however, when Mao Zedong died in 1976, the country was in urgent need of economic development. Deng Xiaoping's (1904-1993) 'Reform and Opening-Up' (*gaige kaifang*, 改革開放) policies that were launched in 1978 had to make China

[29] Peerenboom (2007: 191) remarks that "Although the EU has dedicated more funds to rule of law programs in China than the US government has, US-based models have an advantage in that many Chinese legal scholars study in the US and hence are most familiar with the US system. Moreover, the literature on the US is easily accessible and in English. The US also exercises influence indirectly through the international development agencies such as the IMF and World Bank, through international legal regimes such as WTO and the UN human rights system, and through NGOs".

臺灣大學圖書館

a prosperous modern nation-state through reconnection with the Western world. This alignment with the West - a fundamental rupture with the collectivist economic enterprise of the Maoist years - caused the expectation that the People's Republic of China (the PRC) would also develop towards the Western model in the political domain, much as this had been the case elsewhere in East Asia.

The creation of the '*xiaokang shehui*' (小康社會), i.e., a society that has attained a relatively high level of wealth, that is projected to be materialized in the foreseeable future, suggests that the PRC has reached the fourth stage in the theoretical framework for socio-economic and political development suggested by Randall Peerenboom given above, which means it is now entering into the fifth stage. It is precisely at this moment of transition that would have to lead to, among others, greater juridical security, more religious freedom, free elections at grass-roots level, etc. (Fewsmith, 2013), that the Chinese government has - at least rhetorically - returned to promoting once vilified Confucian values.[30]

The precariousness of the development towards a (Western style) civil society in the PRC has been noted by many scholars. Zheng Yongnian (2010: 126) notes that, although the CCP government has gradually retreated from public life,

> "Many scholars have observed that Chinese social forces only enjoy very limited autonomy from the state, and many civil organizations are hybrid organizations in which state and society are interwoven and thus do not meet the minimal definition of civil society, whose component organizations exist outside and independent of the state."

David Shambaugh (2008: 7) explains this phenomenon as follows:

> "Leninist systems are not well equipped to respond to the changing demands and needs of society - precisely because they are intrinsically top-down 'mobilization' regimes rather than possess the feedback mechanisms to hear and respond to aggregated social needs and demands."

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[30] It can be noted here that also the term '*xiaokang shehui*' is, actually, a Confucian term borrowed from the 7th chapter of the Han Dynasty Confucian political handbook *Liji*, and that the concept '*xiaokang*' itself was first used in the ode '*Min lao*' (民勞) ("The people are suffering") of the part *Daya* of the *Shijing* (part III, book II, 9).

臺灣大學政治學系

This statement is in agreement with Randall Peerenboom's claim that the attractiveness of an 'alien' model depends on internal political dynamics – which are his factors of: (3) interest group politics; (4) the nature and relative robustness of civil society; (6) the nature of the political regime and the level of development of political institutions; and (7) the institutional capacity to implement reforms. To explain the PRC's troubled progression towards civil and political freedoms, these factors also have to be taken into account: (1) the prestige, power, and normative appeal of the exporter or promoter; (2) the prestige, power, and normative appeal of the local promoters; and (5) economic factors.

When Deng Xiaoping undertook his famous *nanxun* (南巡) in 1991, aimed at boosting economic development, other East Asian societies had already gone through a few decades of economic liberalization and had already developed towards democratization. China's formidable economic growth – especially in *per capita* figures - since the 1990s, coupled with the stability of the CCP regime, is situated in a timeframe in which the West suffered successive economic, financial, and, more recently, also political crises. Trust in the Chinese developmental path as different from the Western model that is perceived as invoking continuous crises has thus led to a conceptual dichotomy between the Western liberal democratic model and the so-called 'China Model' (*Zhongguo moshi*, 中國模式), a term used after China's developmental path had been referred to as the 'Beijing Consensus' (*Beijing gongshi*, 北京共識) by Joshua Cooper Ramo (2004). In the contemporary period, this 'China model' has been rephrased as the 'Chinese Dream (*Zhongguo meng*, 中國夢) of the great rejuvenation (*fuxing*, 復興) of the Chinese nation,' a phrase coined by China's State President Xi Jinping.

V. The Return of Confucian Normativity

With 'becoming rich' having become the new maxim since the Dengist era, the communist appeal of the CCP was gradually undermined, and China's increasing engagement in global affairs also undermined the identification of the CCP with the Chinese nation-state. This decline of communist and nationalist appeal of the Party at first instance led to a spiritual void (Goossaert & Palmer, 2011: 191). The identification of the CCP with the PRC nation-state made it necessary for the Party to search for something that could give China a spiritual center again (Goossaert & Palmer, 2011: 3). It is a state-supported and state-sponsored revaluation of Confucianism that appears to have filled

臺灣大學哲學期刊資料庫

this void.[31]

After a period of annual double-digit growth figures of the Chinese economy, the twenty-first century has seen a decline in economic growth figures. With personal aspirations accordingly tempered, the PRC government has refocused on sustainability rather than on absolute growth, and this new focus - recently coined as the 'New Normal' (*xin changtai*, 新常態) – has also been redirected to the 'common good'. For the central government, the 'Confucian' focus on the importance of the collective - the stability of a 'harmonious society' - is, for the homeland, also useful to stop those socially active citizens who are concerned with the rule of law, human rights and social justice, and who are, by the ruling government, seen as threatening to undermine their ruling position (Zhan, 2011: 117). Also the increased control of social media should be seen in this light. Helwig Schmidt-Glintzer (2009: 11) has described this phenomenon as a contradiction between economic affirmation and sovereignty on the one hand, and political fear of the Chinese state - which is, among others, visible in a continued control of the public opinion - on the other hand.[32] That the return of Confucianism to the 'homeland' also has its ramifications for the contemporary international order, is illustrated in the fact that the concept 'harmonious society' (*hexie shehui*, 和諧社會) – a term with Confucian roots - has gradually been supplemented with the concept 'harmonious world' (*hexie shijie*, 和諧世界).[33]

The 'rise of China' and China's recent initiatives on the global scene - we can refer to initiatives such as the 'Belt and Road Initiative' (*yi dai yi lu*, 一帶一路), and the creation of the 'Asian Infrastructure Investment Bank' (*Yazhou jichu sheshi touzi yinhang*, 亞洲基礎設施投資銀行) - indeed suggest that the non-West is no longer the passive recipient of a Western-imposed order, but has become an agent in its own turn (Kavalski, 2009). As opposed to Western liberal cosmopolitanism, promoting transparent forms of government, a viable free market, and strong civil societies, and for the European Union a strong

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31 Actually, Li Zehou voiced his admiration for the 'pragmatic rationality' (*shiyong lixing*, 實用理性) of Confucius and his influence on Mao's thought already in the 1980s. See Metzger (2012: 232), Weber (2015: 173) dates the academic revival of Confucianism back to the 1970s.

32 Also see Qian and Bandurski (2011: 60-61); Zhan (2011: 119).

33 According to Zheng and Tok (2007: 2), China needs a more pro-active role when it wants to shape its own destiny, both internally and externally. While 'scientific development' (*kexue fazhanguan*, 科學發展觀) and 'harmonious society' served to provide Hu Jintao's domestic audience, the 'harmonious world' is applicable to both China's domestic and foreign policies.

臺灣大學政治學系

European Neighborhood Policy,[34] China presents itself as advocating respect for difference – whence its claim with a 'harmonious world' – a claim that implies that the Western imposed normative order aims at 'equalizing' the non-West with the West. While for the West, the question appears to be what China's future role as a 'responsible stake holder' might be – a question that implies the viewpoint that it is only if China complies with the current world order and the existing institutes of global governance, that it can be truly regarded as such, China stresses that it is open to emulation, not as a universal pattern, but with an eye for particular historical circumstances (Dirlik, 2012: 291). Hu Angang (2011: 7) has therefore meaningfully suggested a replacement of the term 'Beijing Consensus' with the term 'Beijing Proposal'.

While some perceive China's increased presentation of the 'China model' of development, that is characterized by a blend of authoritarian politics and a mixed state/market economic development (Shambaugh, 2013: 214-215), as an alternative way towards economic development for developing countries in Africa and Latin America (that is, 'all under heaven', *tianxia*), others see the contemporary *tianxia* concept as a kind of *Pax Sinica* for regional or even global Chinese dominance that would be an alternative to the Westphalian order (Kavalski, 2014: 233). Developing from the social construct of Confucianism that has been typified as a 'differential mode of association' (*chaxu geju*, 差序格局) by Fei Xiaotong, the Chinese international model could be characterized as a model in which each interference of one state with another represents a different kind of relationship, whereby a specific moral behavior is attached to each individual interference. This pattern of international relations embraces no transcendental ethical concepts.

VI. Conclusion

After ancient China was, because of her economic power able to expand her culture over the bordering areas for centuries, the economic and military power of industrialized 19th-century Europe ushered in the age of Western expansionism and colonialism, leading to China's 'century of humiliation'. The

[34] See Kavalski (2013: 251), who remarks that the European Neighborhood Policy has resulted in the European Union becoming the most important external context for the foreign policy-making of [post-communist]states, but also that the post-communist states themselves have become the target for EU normative power.

臺灣大學政治學系 版權所有

traditional interrelatedness of ideology, politics, and religion - the Confucian state - brought about that China's new economic and political position also affected her appreciation for Confucian ideology. In the Republican period, the Western political concept of the nation-state was introduced as an alternative for the Confucian cultural state.

Different historical circumstances have given rise to different economic and political developments in East Asia. While elsewhere in East Asia, economic liberalization also gradually brought along civil and political freedoms, as a result of the attractiveness of the Western model, economic liberalization in the PRC only took off after the death of Mao Zedong in 1976. By the time the PRC attained a 'relatively high level of wealth' (the *xiaokang shehui*) and would, according to the framework proposed by Randall Peerenboom, be expected to 'develop constitutional norms and strengthen institutions,' that 'social organizations would be expected to start to proliferate' and that 'civil society would be expected to begin to develop,' the 'normative West' suffered successive economic, financial, and political crises. This has cast doubt on the viability of the Western developmental model.

The decline of communism and of the nationalist appeal of the CCP that was brought about by the liberalization of the economy, combined with the recent slow-down in economic growth that has tempered the individual aspirations of the Chinese citizens, has given room for Confucianism to come in as an alternative for European and communist values, and for refocusing the attention on the collective. This re-appreciation of Confucianism has, in its turn, revived the age-old concept of Confucian culture as normative power. The PRC is thus increasingly portraying its model of free economic enterprise in an authoritarian political system as an alternative developmental path. This development has the potential to also boost the homeland legitimation of the CCP.

When assessing the question whether or not China is becoming a new normative power, it should be acknowledged that globalization entails multiple and constantly changing interdependencies (Callahan, 2014). These interdependencies determine whether, in which way and to what degree, China will be accepted as a normative power. China's stance of non-interference may indeed open perspectives for many non-Western states, but as interdependencies constantly change, the question as to the veracity of China becoming a new normative power remains an open one. However this may be, the fact is that, as claimed by Zhang Feng (2009: 32):

臺灣人文學術期刊資料庫

> "[w]e have no way of knowing its (i.e., Chinese International Relations) exact content since China's national identity will continue to evolve in the twenty-first century. What we can be sure, however, is that China will increasingly advance its own distinctive worldviews on international affairs".

That 'the great game' of Western actors is over, appears to be undeniable. The question no longer is, as Emilian Kavalski syas (2014: 232), "how far Western ideas could/would spread in a geopolitical environment characterized by what Francis Fukuyama (1989) called "the end of history," but "how far Chinese ideas will reach".

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儒家思想與中國的規範力量*

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摘　要

幾個世紀以來，中國一直是東亞最重要的經濟大國，並且不斷地在不同區域擴大自身的文化影響力。儘管如此，中國在第一次鴉片戰爭（1839-1842）與歐洲發生暴力對抗後，隨後簽訂的「不平等條約」展開了所謂的「百年國恥」。上述歷史事件發生後，導致知識分子對中國的思想定位開始產生質疑，中國知識分子開始懷疑儒家思想的可行性，並進入文化自我批評的時期，這就說明爲何西方採納中國的規範性模式由儒家思想發展到「現代性」。直到 21 世紀初，西方作爲「規範性權力」的角色仍然是無可爭議，但最近 10 年見證中國人自我主張的重新發展，同時又重新認識儒家思想。中國越來越強調自身的發展途徑，想藉此取代「華盛頓共識」。本文討論儒家中的國家規範性本質，並進一步探討當代中國爲何會回歸儒家價值觀的假設。

關鍵詞：儒家、文明社會、規範性權力、華盛頓共識、中國模式

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