

Introduction

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In 1912, Kang Youwei (1858–1927)—the most prominent political reformer of his day—founded the Confucian Religious Society. During China’s brief experiment with parliamentary debate in the newly established Republic of China, the society twice proposed institutionalizing Confucianism as the state religion but narrowly failed to garner the required two-thirds majority of the vote in the national assembly.¹ A century later, Jiang Qing (b. 1952)—the most prominent Confucian political thinker of our day—has revived Kang’s cause. Similar to Kang, Jiang argues that nothing less than an official embrace of Confucianism can save China from its moral and political predicament. Whereas Kang was somewhat vague about how to implement his idea of a constitutional monarchy with Confucianism as the official state religion, Jiang has developed the institutional implications in great detail. Jiang’s views are intensely controversial in mainland China,² but a conversation about political change among intellectuals and political reformers in China rarely fails to turn to Jiang’s proposals. Jiang’s political Confucianism has generated an extensive Chinese-language secondary literature of comments and criticisms.³ It may not be an exaggeration to say that Jiang Qing has almost single-handedly succeeded in enriching debates about China’s political future. Prior to Jiang, the discourse about politics with “Chinese characteristics” was usually shallow rhetoric meant to buttress the status quo. The main alternative was put forward by liberal democrats, who tend to think that China’s political future comes down to an empirical issue of when and how to adopt Western-style liberal democracy in the form of elections and multiparty competition.⁴ But Jiang’s modern-day adaptation of Confucian constitutionalism is the most detailed systematic alternative to both the current regime and Western-style liberal democracy.

In view of Jiang’s originality and influence, Fan Ruiping and I organized a workshop on Confucian constitutionalism in May 2010 at the City University of Hong Kong (due to the political sensitivity of this material, it would have been difficult to secure official permission or funding for such a workshop in mainland China). Jiang developed his proposals for the purposes of the workshop, and four leading Chinese intellectuals wrote

detailed critical comments. Jiang then wrote a detailed response, and the material was translated by Dr. Edmund Ryden and polished by Erika Yu.

This book is Jiang's most detailed and systematic work on Confucian constitutionalism. Jiang does not spend much time directly criticizing the political status quo in China because he does not consider it to be viable for the long term (not to mention the fact that it would be politically dangerous to do so). However, he worries about its main competitor—liberal democracy—and seeks to develop a morally desirable and politically realistic alternative. This introduction summarizes Jiang's Confucian constitutionalism, followed by a discussion of his debates with liberal Confucians and socialists. The last section suggests a “middle way” between Jiang and his critics.

A BRIEF INTELLECTUAL BIOGRAPHY

But before we turn to the substance of Jiang's ideas, it is worth asking how Jiang came to embrace Confucianism.⁵ After all, Confucianism has come under sustained attack in mainland China by both Chinese liberals and Marxists since the early twentieth century, and Jiang was clearly swimming against the tide. In fact, Jiang started out his intellectual journey as a committed Marxist. Jiang's father was a high-ranking Communist official, and he had a comparatively comfortable childhood in Guiyang, the capital city of Guizhou province. Jiang went to high school during the Cultural Revolution and spent most of his time on manual labor and “revolutionary” meetings. He responded to Mao's call to “wholeheartedly serve the people” and joined the army, where he served as a truck repairman in Yunnan province. Jiang read Karl Marx's *Das Kapital* in his spare time and became convinced that Marx's masterpiece would lead him to the final truth about human society. His growing commitment to study Marxist theories prompted him to apply for a clerical post that would leave more time for study, and Jiang immersed himself thoroughly in the study of Marxist works for two and a half years.

Jiang's grandmother was another significant influence during the Cultural Revolution. She came from an intellectual family and was still active writing classical poetry in her seventies. Jiang was at first puzzled by the fact that she was reading Confucian classics that were officially criticized and banned at the time. But soon he came to hold that pursuit of such knowledge should not be restricted by the political authorities. In his last year in the army, Jiang began to read non-Marxist Chinese classical works that he obtained from the underground market and became disillusioned with the official version of Marxist ideology propagated by the army.

In 1978, Deng Xiaoping assumed power amid signs of political change. Jiang resigned from the army and took the National College Entrance Examination. His outstanding results earned him admission to the Southwest University of Politics and Law in Chongqing (then Sichuan province), the only Key Law School recognized by the state at the time. Jiang immersed himself more deeply in the works of the young Karl Marx on humanism and alienation and became fascinated by the ideas of individual liberty, equality, and human rights developed by Western classical liberal philosophers such as Locke and Rousseau. He believed that all these different perspectives could be integrated into a coherent liberal Marxist doctrine that could save China from turmoil. Jiang became an activist in the democratic movement and developed a reputation as a student leader at the forefront of criticizing China from the perspective of human rights.

In 1980, Jiang wrote an essay titled “Back to Marxism” that was published on the campus notice board. He drew inspiration from the young Marx’s *Economic and Philosophical Manuscripts* and Western theories of Marxism to argue that Marxism was a theory of humanism rather than class struggle and that Marxism was consistent with individual rights, equality, and democracy. The essay inspired fellow students, but it was condemned and suppressed by the authorities. Jiang was offered a chance to confess his “mistake” in writing, but he refused and insisted that individual rights, humanism, and a critique of alienation are central to Marxism. Jiang submitted a thesis titled “A Critique of Stalinism,” defending the same argument as his earlier essay, and the authorities promptly failed the thesis. To earn his degree, Jiang wrote on the topic that would define the rest of his life: “A First Look at Confucius’s Humanism.”

Most of Jiang’s fellow law graduates were assigned to important positions in Beijing or other major cities,⁶ but he was assigned to a post in a remote rural court in Guizhou province. Jiang became disillusioned with the political world and turned to questions of ultimate concern, and he experienced a spiritual crisis over the next few years. He spent most of his days meditating and reading Daoist and especially Buddhist religious works that could hold the key to the true meaning of life. But Jiang eventually decided that he could not side with Buddhism. Even if the Buddhist claim that the world cannot stand still even for an instant is correct, Jiang could not agree that *sunyata* (emptiness) is the ultimate truth. Rather, he recognized with Confucianism that the ever-changing world is a result of a creative universe with history and culture. Hence, Jiang concluded that Buddhism fails to give any guidance for solving problems of mankind inherited from history and culture. Jiang also tried to draw spiritual nourishment from Christianity. He translated a Christian work from English into Chinese, became

moved by Jesus's spirit of charity, and tried to join a Christian church. In the end, however, he failed to become a Christian believer because, as he put it, "the spirit of Chinese culture drags my legs behind."

Jiang's full commitment to Confucianism was set off by his exposure in 1984 to the works of Tang Junyi, a prominent neo-Confucian scholar in Hong Kong. Before then, he was unaware that the Confucian tradition had been maintained by scholars in Taiwan and Hong Kong. He read more works by neo-Confucian scholars, even though some were officially banned in mainland China because they were explicitly anticommunist. The twentieth-century neo-Confucians inherited the basic thoughts of neo-Confucianism in the Song and Ming dynasties (eleventh to seventeenth centuries). Due to the influence (and challenge) of Buddhism, they tended to focus on the cultivation of the mind and attempted to reinvent the Confucian tradition by highlighting its metaphysical, transcendent, spiritual, and religious aspects.⁷ The twentieth-century neo-Confucians distinguished themselves from their predecessors by drawing resources from modern Western philosophies to synthesize a new Confucian doctrine for modern China. In particular, they contended that Confucian values can develop and shape Western liberal-democratic values in their full force from the central commitments of Confucianism.⁸

Jiang was determined to advance such neo-Confucianism in mainland China. In 1985, he met Liang Shuming, the most courageous and influential neo-Confucian scholar in mainland China in the twentieth century,⁹ and Liang encouraged Jiang to pursue his effort to revive Confucianism in mainland China. The traumatic political upheavals in 1989, however, caused Jiang to change focus.¹⁰ For Jiang, political disorder in the actual empirical world became the key concern that called for the reconstruction of a legitimate and stable polity. The bloody repression of the student-led movement meant that the government had lost substantial legitimacy, but Jiang was also critical of the call for Western-style liberal democracy. Even those Chinese intellectuals who claimed to be tolerant and open-minded liberal democrats did not really behave as such, and Jiang was upset by Chinese liberal intellectuals who begged overbearing U.S. legislators to impose a liberal democracy in China, regardless of China's historical, cultural, and social circumstances. For Jiang, it was superficial to view the 1989 political turmoil simply as a failed call for democratic politics. Rather, it was one of several tragedies ultimately dating from the early twentieth century in which an alien Western ideology was imposed on the Chinese people. The Chinese people had been asked to forsake their traditional cultural life and reject Chinese political ideals so that they could become "modern" Marxists or liberals. No other civilization had been subject to such sustained attack for nearly a century; it was no wonder that Chinese people felt disoriented

and in turmoil. The same could have happened in Western countries if, say, there had been a concerted effort to impose a Saudi-style Islamic regime on them. A political transition, in Jiang's view, must draw on already existing cultural resources in order to legitimize a long-lasting constitutional order.

At that point, Jiang explicitly parted company with the modern neo-Confucians in Hong Kong and Taiwan. For one thing, their focus on self-cultivation was too abstract to be relevant for the particular political needs of contemporary China. More importantly, they were wrong to think that traditional culture could be maintained within a liberal-democratic political framework. That framework itself needed to be questioned: surely an adaptation of political ideals developed within the Confucian tradition is more likely to secure a Confucian way of life. Hence, Jiang coined the term "political Confucianism" in contrast to the "self-cultivation Confucianism" (or "heart-mind Confucianism") emphasized by the neo-Confucians. Jiang argues that both traditions are necessary, but the most pressing task now is to revive "political Confucianism" that focuses more directly on the betterment of social and political order by legislating and legitimizing political institutions. Jiang argues that "political Confucianism" was founded by the *Gongyang* school, a commentary on the *Spring and Autumn Annals* (allegedly compiled by Confucius himself) that chronicled the history of the state of Lu from 722 BCE to 481 BCE. Jiang argues that "political Confucianism" was developed by Xunzi in the Warring States period, Dong Zhongshu in the Han dynasty, Huang Zongxi in the late Ming/early Qing dynasties, and Kang Youwei in the early twentieth century. After a break of nearly a century, Jiang has revived this tradition, and he has devoted the past few years to working out the justification and institutional implications of a Confucian constitutional order appropriate for contemporary China.¹¹

In China's political context, it takes a great deal of courage to put forward such ideas. Jiang continued to experience political difficulties and eventually quit his teaching job at the Shenzhen College of Administration. In 2001, the forty-eight-year-old Jiang established a privately funded Confucian academy in a remote mountainous area in his home province of Guizhou.¹² The academy allows Jiang to pursue his work inspired by the natural scenery and relatively unimpeded by political constraints. Let us now turn to Jiang's work. The next section summarizes Jiang's account of "Wangdao," the highest Confucian political ideal that we can translate as the "Way of the Humane Authority."¹³

THE WAY OF THE HUMANE AUTHORITY

In chapter 1, Jiang makes it clear that his main target is Western-style democracy. Although democracy—more specifically, a form of government

that grants ultimate controlling power to democratically elected representatives—is built on the separation of powers, the separation, Jiang argues, is a matter of implementation rather than legitimization. In a democracy, legitimacy is based on the sovereignty of the people. But Jiang objects to the idea that there is only one source of legitimacy. He claims that the modern notion of sovereignty of the people is similar in form to the medieval notion of the sovereignty of God, but with the content changed from God to the people: “In fact, the sovereignty of the people is simply the secular equivalent of the sovereignty of God.”

In political practice, the overemphasis on popular sovereignty translates into the politics of desire: “[I]n a democracy, political choices are always down to the desires and interests of the electorate.” This leads to two problems. First, the will of the people may not be moral: it could endorse racism, imperialism, or fascism. Second, when there is a clash between the short-term interests of the populace and their long-term interests or the common interests of all mankind, the former have political priority. Jiang specifically worries about the ecological crisis. It is difficult if not impossible for democratically elected governments to implement policies that curb energy usage in the interests of future generations and foreigners. If China were to follow the American model in terms of per capita carbon emissions, for example, the world would be damaged beyond repair. But “it is impossible for Green Parties to fully—through legitimization and implementation—realize ecological values in a Western democracy, without radical change in both the theory and structure of western democracy.” Hence, a political system must place more emphasis on what Jiang calls “sacred values” that are concerned with the well-being of the environment, the welfare of future generations, and humanity as a whole.

Jiang’s political alternative is the Confucian Way of the Humane Authority. The question of political legitimacy, he argues, is central to Confucian constitutionalism. He defines legitimacy as “the deciding factor in determining whether a ruler has the right to rule.” But unlike Western-style democracy, there is more than one source of legitimacy. According to the *Gongyang Commentary*, political power must have three kinds of legitimacy—that of heaven, earth, and the human—for it to be justified. The legitimacy of heaven refers to a transcendent ruling will and a sacred sense of natural morality. The legitimacy of earth refers to a legitimacy that comes from history and culture. And the legitimacy of the human refers to the will of the people that determines whether or not the people will obey political authorities. All three forms of legitimacy must be in equilibrium, but Jiang notes that the equilibrium is not one of equality. According to the *Book of Changes*, the multiplicity of things comes from the one principle of heaven,

hence the sacred legitimacy of the way of heaven is prior to both the cultural legitimacy of the way of earth and that of the popular will of the human way.

In ancient times, the Way of the Humane Authority was implemented by the monarchical rule of the sage kings of the three dynasties (Xia/Shang/Zhou). But changes in historical circumstances necessitate changes in the form of rule. Today, the will of the people must be given an institutional form that was lacking in the past, though it should be constrained and balanced by institutional arrangements meant to implement the other two forms of legitimacy. Hence, Jiang argues that the Way of the Humane Authority should be implemented by means of a tricameral legislature that corresponds to the three forms of legitimacy: a House of the People that represents popular legitimacy, a House of *Ru* that represents sacred legitimacy,¹⁴ and a House of the Nation that represents cultural legitimacy.

Jiang goes into more institutional detail. The members of the House of the People “are chosen according to the norms and processes of Western democratic parliaments,” including universal suffrage and election from functional constituencies.¹⁵ The leader of the House of *Ru* is a great scholar proposed by the Confucian scholars. The candidates for membership are nominated by the scholars, and then they are examined on their knowledge of the Confucian classics and assessed following a trial period of administration at lower levels of government, similar to the examination and recommendation systems used in China in the past. The leader of the House of the Nation should be a direct descendant of Confucius, who would select from “among the descendants of great sages of the past, descendants of the rulers, descendants of famous people, of patriots, university professors of Chinese history, retired top officials, judges, and diplomats, worthy people from society as well as representatives of Daoism, Buddhism, Islam, Tibetan Buddhism, and Christianity.”

Each house deliberates in its own way and may not interfere in the running of the others. Jiang addresses the key issue of how to deal with political gridlock that may arise as a result of conflicts between the three houses of parliament. He says that a bill must pass at least two of the houses to become law. The priority of sacred legitimacy is expressed in the veto power exercised by the House of *Ru*. However, Jiang notes that the power of the *Ru* is restrained by the other two houses: for example, “if they propose a bill restricting religious freedom, the People and the Nation will oppose it and it cannot become law.” In that sense, it differs from the Council of Guardians in theocratic Iran, where the sacred is the only form of legitimacy and “and so the council of guardians has power over the assembly and is not subject to its restraint.”¹⁶

In chapter 2, Jiang puts forward a proposal for another institution—the Academy—that is meant to further restrain the power of parliamentarians. In Western constitutionalism, power is limited by means of rights. In Confucian constitutionalism, power is limited primarily by means of morality (Jiang is not against the protection of rights per se, but he says that it cannot be the sole aim of a constitution; put differently, the protection of rights will not be effective unless the power holders are primarily regulated by morality). Again, however, new historical circumstances dictate new institutions and practices: “Now that China has ended monarchical rule and begun republican rule, Confucian constitutionalism must create a new structure adapted to the times.” The key institution designed to limit power today is what Jiang calls the “Academy,” an institution that continues China’s tradition and spirit of rule by scholarship.

Jiang explicitly invokes the seventeenth-century Confucian scholar Huang Zongxi’s proposal for an Academy composed of scholar-officials who could question the emperor and appraise and adjudicate the rights and wrongs of his policies (Huang’s proposal was too radical for his own day: it circulated samizdat-style for over 250 years, surfacing only in the late Qing period, with the dynasty in disarray). An Academy adapted to the present, Jiang argues, would have six functions. First, it would supervise all levels and organs of government by means of a Historical Records Office that would record the words and deeds of the highest decision makers so that they would be answerable to their own time, to history, and to future generations, and a Modern System of Posthumous Titles that would help to restrain the actions of the living.¹⁷ Second, it would set the examinations to ensure that people in all state institutions have the basic qualifications for governing as well as train parliamentarians for the House of *Ru*. Third, it would preside at state ceremonies of a religious nature, sacrifices to heaven, to sages of the past, and to the natural world, and at the investiture of a new head of state. Fourth, it would have the supreme power of recall of all top leaders of state institutions in the event of dereliction of duty. Fifth, it would have the power to undertake mediation and issue final verdicts in the event of serious conflicts among state bodies. And sixth, it would have the power to uphold religion. Jiang is careful to note that “the Academy supervises, but does not run the state. Subordinate bodies exercise their own authority according to the principle of balance of powers and independence.” The Academy does not interfere in these operations and hence its maintenance of religion and morality is different from that of a Taliban-style theocracy.¹⁸ Ordinarily, the members of the Academy spend their time on the study of the Confucian classics, and only rarely intervene in the affairs of the state. Such work has special importance because Jiang argues that Confucian

constitutionalism cannot be realized without a substantial body of scholars who keep to Confucian beliefs and practices.

In chapter 3, Jiang turns to the third feature of Confucian constitutionalism: the symbolic monarch. Kang Youwei had put forth a similar proposal a century ago, but Jiang defends it in unprecedented detail. According to Jiang, the state is a mysterious body from a distant past,¹⁹ and present-day people have an obligation to maintain it and hand it down to future generations. A leader chosen by the current generation such as an elected president cannot express the state's historical legitimacy because the state also belongs to past and future generations. Hence, a hereditary monarch descended from a noble and ancient lineage is most likely to embody the historical and trans-generational identity of a state: "Inheritance alone bears the hallmarks of status and tradition demanded by the continuity of the state." But Jiang is not calling for the restoration of the imperial system. In traditional China, the monarch represented "both state and government, which means that the structure of the state and that of the government are confused and not very clearly separated." In modern-day Confucian constitutionalism, by contrast, the tricameral legislature would exercise real political (legislative) power, the Academy would exercise supervisory power, and the monarch would exercise symbolic power.

Symbolic power, however, is not really "nothing." The monarch will head the House of the Nation and influence the life of the nation by mediating conflicts between power holders and by "signing and concluding international treaties, proclaiming the law, naming civil and military officials, proclaiming amnesties and pardons, distributing honors, and the like." The monarch can also exercise moral power by speaking out on such issues as environmental degradation that affect future generations. Most important, the symbolic monarch contributes to the legitimacy of political power by instantiating the historical legitimacy of the state. The state is more likely to be legitimate in the eyes of the people if it is headed by a symbolic monarch who commands awe and respect. Jiang emphasizes that loyalty to the state—which underpins its legitimacy, hence the unity and stability of the state—is not purely rational, and it is better for people to project their psychological sense of belonging onto a symbolic monarch than onto those who hold real (legislative) power.

But who exactly should be the symbolic monarch? In today's China, Jiang argues, "the symbolic monarch will have to meet five conditions to be acceptable: (1) the monarch must have a noble and ancient blood lineage; (2) this lineage must be political in nature; (3) it must be clearly shown that the lineage is direct and unbroken; (4) the lineage must be so unique as to exclude competition from any other lineages; and (5) the citizens must

universally respect and accept the person with this noble political lineage.” Jiang shows that descendants of past emperors cannot meet those conditions. He then goes through each condition and argues that only one person qualifies to be the symbolic monarch in today’s China: “the direct heir of Confucius.”²⁰

LIBERAL CONFUCIANISM VERSUS CONFUCIAN CONSTITUTIONALISM

The first three critics—Joseph Chan, Bai Tongdong, and Li Chenyang—have written sympathetically about aspects of political Confucianism in the past, but they take Jiang Qing to task for neglecting if not undermining key aspects of the liberal tradition. These critics—let us call them liberal Confucians—argue that any form of constitutionalism appropriate for the modern world must incorporate more aspects of the liberal tradition than Jiang Qing allows for.

Joseph Chan, professor of political theory at the University of Hong Kong, endorses the idea that Confucianism can positively shape political institutions, legislation, and policy making. However, he criticizes Jiang for promoting Confucianism as a comprehensive doctrine designed to regulate the constitutional order. According to Chan, Jiang is an “extreme perfectionist” who argues that the state should promote a Confucian conception of the good life that ranks human goods in a particular way and specifies concrete ways of realizing those goods. But promoting Confucianism as a comprehensive doctrine in a modern pluralistic society will damage civility. Free and equal citizens live according to various ways of life and hold different religious beliefs, and promoting Confucian values over and instead of other beliefs can lead only to social conflict. Instead, Chan favors a “moderate form of perfectionism” that allows the state to promote specific values in a piecemeal way. He proposes a kind of civility that requires citizens to be open-minded, to give reasons that others can share in justifying their views, and to seek common ground that underlies conflicting opinions and a common good that transcends partisan interests.²¹ Within this context, it may be possible to promote particular Confucian values in a piecemeal way so that they can be accepted or understood by citizens without adopting Confucianism as a comprehensive doctrine. Such values should be widely accepted by many people in modern society and not ranked into a hierarchy of goods or tied to metaphysical or religious doctrines. And they should be modernized so that they are compatible with modern-day values. In traditional China, for example, the value of filial piety was tied to a comprehensive doctrine of the good life that called for obeying parental wishes, but

today it should be made compatible with personal autonomy and not tied to any transcendent truths that serve as our moral standard. To the extent values are promoted in a legislative process, there should be a high degree of freedom of speech so that the citizens will be able to freely evaluate the merits of particular Confucian values.

In his response, Jiang Qing affirms the value of speech and debate: “What is today called ‘response’ was termed ‘debate’ in the old times. I can do nothing else but debate!” Jiang then accepts Chan’s characterization of his theory as “comprehensive.” However, he argues that any stable and civil society needs a “comprehensive” theory in the sense of a publicly affirmed philosophy with a set of values for human and social betterment. Without a set of such comprehensive values, society will disintegrate into “moral anarchy” and social conflict. Moreover, he argues that those calling for “specific and piecemeal adoption of Confucian values” in fact hold more comprehensive doctrines that they want to foist upon China. Chan, for example, adheres to a highly contested Rawlsian form of liberalism that prioritizes values such as equal democratic citizenship and personal autonomy that are supposed to set limits to and determine what is good and what is bad about Confucian values. The U.S. constitutional system, for its part, prioritizes a Protestant value system that sets limits to and structures what is acceptable and what is not in society and politics. The United States could not choose Islamic, Hindu, or Confucian religions, values, or political ideas as its mainstream values or constitutional principles. Yet the West won’t admit to its hypocrisy. Could it be, Jiang asks, “that it wishes for specific and piecemeal adoption of Confucian values in order to allow it to spread its own liberal democracy as the comprehensive umbrella over all?”²²

Just as liberal democracy may be appropriate for the West given its own culture and history, so Jiang argues that China should be allowed to make Confucianism into its own public philosophy. Moreover, Confucianism has its own way of securing some of the goods secured by liberal democracy. For example, it accomplishes tolerance for plurality and harmony among people by distinguishing between leading and nonleading values: “the former are the official teaching and have public significance in politics; the latter are confined to . . . private thoughts.” In Chinese history, Confucianism had a leading role, but Buddhism and Daoism could flourish as “private, nonleading values” with the result that China never had the religious wars that characterized Western society. Today, official Confucianism might mean that only statues of Confucius are erected in state universities but Buddhist, Daoist, or Christian statues could be erected in their own temples and churches. Gay marriage is another issue that illustrates Jiang’s point. The “thick” Confucian view of family relations might rule out

open and formal legalization,²³ but Jiang says that homosexual partnerships should be tolerated in society without any interference by the state. On the issue of filial piety, Jiang argues that it should not be stripped of its traditional and metaphysical underpinnings: piety within the family is a kind of springboard of other forms of piety, including “running the state with piety, respecting spirits with piety, sacrificing to sages with piety, and treating things with piety.” And Chan is wrong to think that piety translates into blind obedience. Confucius himself said, “When the father is unjust, the son contends with him. How can one say that one can be pious by obeying the father’s commands?” Obedience, in other words, is conditional on doing the right thing. Here too Confucianism as a “comprehensive doctrine” might not have dangerous implications that liberals worry about.

Bai Tongdong, professor of philosophy at Fudan University (Shanghai), has written in defense of Confucian politics, but he rejects Jiang Qing’s interpretation of Confucian constitutionalism. On the one hand, Bai charges Jiang with not being faithful to “original” Confucianism, notwithstanding his reputation as a “fundamentalist” Confucian. Jiang argues for a kind of Confucian constitutionalism that is grounded in “transcendent values” of the Han dynasty *Gongyang* school, but Bai argues that the true spirit of Confucianism should be located in the earlier pre-Qin Confucians such as Mencius and Xunzi who attempted to find a middle way between the sacred and the secular. The Han Confucians, Bai suggests, used heaven and Confucians’ monopoly on the interpretation of heaven to obtain power for Confucians and govern the state with the emperor. On the other hand, Bai charges Jiang with dogmatically applying the ways of an outdated view of Confucianism to a modern-day pluralistic context. Bai argues that a Confucianism backed by a transcendent foundation could not be widely accepted in a modern-day society characterized by what Rawls called the “fact of pluralism.” Bai worries along with Jiang that Chinese culture faces a serious threat from Christianity and the Westcentric modern world, but he argues that this threat can and should be met without appealing to contested transcendent values. Just as Rawls sought to defend an interpretation of liberal democracy that could command universal political agreement by freeing itself from ‘comprehensive’ Christian values, so Confucians should seek to defend Confucian codes of conduct and institutions not grounded in *a priori* systems of thought.²⁴ Bai specifically defends Mencius’s idea that identifies heaven’s will with the people’s will and yet leaves an important role for the wise and virtuous elite to determine what the people’s will is and what should be done with it. Institutionally, Mencius’s idea translates into a hybrid regime that combines elements of popular will and involvement of the elite. Hence, Bai rejects Jiang’s idea that political institutions

such as the House of *Ru* and the Academy should represent heaven as separate from (and more important than) “the people.” For Bai, it’s a matter of how to interpret the people’s will in a way that does justice to the original spirit of Confucianism while being acceptable to a wide group of people in China today.

Jiang’s response is clear: he denies that there is disagreement about fundamental ideas between the pre-Qin and the Han Confucians, especially regarding the nature of a transcendent, sacred heaven. Hence, Bai is wrong to think that the earlier Confucians held a more “disenchanted and humanized” conception heaven that is supposedly more appropriate for our day. Jiang specifically questions Bai’s reading of Mencius. He draws on several passages to argue that “the ultimate holder of the highest political power is heaven and not a human person, that is, sovereignty lies with heaven. . . . [Hence], it is natural that the transcendent, sacred legitimacy of heaven is higher in terms of legitimacy than legitimacy based on the people.” How then can we know heaven’s will? By the way things are done to express its sovereignty. One way is to win the hearts of the people, so that when the people are satisfied, we can say that heaven is satisfied. But the will of heaven can also be made manifest in other ways, such as “revealing auspicious omens, sending down disasters, or in the heart of the king and the will of the sages.” In short, the will of the people is a way of identifying the will of heaven, but “it does not mean that sovereignty is owned by the people, still less that the will of the people is the will of heaven.” Such a debate might seem esoteric to the nonexpert (or the nonbeliever), but it does have key political implications. For one thing, Jiang’s view on the ultimate importance of the legitimacy of heaven grounds his view that institutions representing the legitimacy of heaven—the House of *Ru* and the Academy—have more political power than institutions representing the legitimacy of the people and the earth. Jiang argues that Bai’s own reading of Mencius—influenced by Western liberalism—cannot produce a theory of legitimacy that would justify Bai’s aim of giving extra power to the wise and virtuous. And it affects the way we think of the natural world. For Bai, the environment has value insofar as it is necessary for human flourishing. For Jiang, the environment has sacred value irrespective of its impact on humans.

Li Chenyang, professor of philosophy at Nanyang Technological University in Singapore, defends yet another interpretation of heaven that is neither transcendent nor anthropocentric: he argues that heaven is necessarily interrelated in a “heaven-earth-humanity” triad. Jiang’s view that there is one transcendent heaven occupying a higher position that generates a differentiated heaven (along with earth and humanity) is problematic on two grounds. First, the idea of a transcendent and personalized heaven

was developed in pre-Confucian times and was replaced by the idea of an immanent heaven that is part of the heaven-earth-humanity triad in classical Confucian times. The mainstream (and correct) understanding of heaven, according to Li, is heaven amid earth and humanity. Hence, Jiang's interpretation represents regress, not progress.²⁵ Second, the notion of a transcendent heaven is redundant and illogical. It makes no sense to say that heaven can be both one thing that generates something else and one part of something else (the heaven-earth-humanity triad) that is generated by it. Li speculates that the real reason for Jiang's metaphysical position is the need to justify an Academy that represents heaven and stands above the tricameral parliament. Instead of metaphysics generating politics, Li argues that politics generates the metaphysics, in violation of what ought to be the Confucian view of heaven.

Jiang responds by reaffirming his view of heaven as both the one and the many. Far from being redundant, Confucian metaphysics cannot do without one principle that stands above the heaven-earth-humanity triad: "[T]he heaven which is the one principle of the triad heaven-earth-humanity is the ultimate coordinator and synthesizer of the myriad things in the universe and gives them a universal purpose and meaning." Jiang recognizes Li's argument that his reading of heaven has the same logical difficulties as the Christian doctrine of the Trinity, where God is both One as well as the Father, the Son, and the Holy Spirit. But Jiang responds that such matters are matters of faith, whether in Christianity or Confucianism: "This faith must rely on a mystical intuition that transcends reason and a dark-seeing and mystical understanding in the depths of the heart before it can be known or grasped."

Again, such debates may seem somewhat obscure to people standing outside the Confucian tradition, but they have important political implications. Li fundamentally opposes a Confucian constitution that is sacred and transcendent in character and favors a constitution, along with government establishment, that is "mundane in nature." He opposes the idea that sage kings or scholar-officials are able to represent the transcendent heaven or act on behalf of it. In political practice, Li's ideal translates into "Confucian content with democratic form," referring to a society with Confucian social and moral ideals that adopts an electoral mechanism to choose political leaders. Confucianism, Li says, could adopt "the democratic political mechanism for governmental affairs, in some way similar to how Christianity adopts a democratic form in the West without changing its fundamental beliefs and ideals."

Jiang, not surprisingly, casts doubt on Li's ideal. General elections will generate leaders "who will represent the interests and desires of the

masses.” Put simply, it would be impossible for defenders of Confucian values to be elected without giving up on those values: “If sages, worthies, and gentlemen wish to mount the stage they must keep to the objective framework of the stage, that is, the form of democracy, and first make themselves into ordinary persons or small-minded persons, or else they cannot ascend the stage and hold the power to rule.” Succeeding in democratic elections means taking part in “secularism, pursuit of interests, agitation, demagoguery, self-projection, performance, fawning, hypocrisy, pretence, pandering to the populace, including even absurdities, farce, and a great waste of money.” Jiang points to the “chaotic phenomenon of Taiwan’s realization of democracy” to illustrate the case that democracy undermines Confucian values. Hence, Jiang proposes “the opposite thesis, of a Confucian form with a democratic content. . . . [W]e must use the form of Confucian constitutionalism and selectively pick and choose elements of democratic content or of constitutional content, and not the other way around.”

It is worth asking, however, if Li and Jiang are really as far apart as they suggest. Li’s idea of “Confucian content” includes the idea that “Confucian values and convictions must be constitutionally guaranteed (e.g., integrity of the family and priority of citizen’s livelihood in the agenda of the government).” In that sense, Confucianism sets the limits to democratic decision making. But what if elected politicians favor repealing Confucian values in the constitution on the grounds that, say, freedom of speech is more important than citizens’ livelihood? Would Li then favor Jiang-style constraints on democratic decision making by Confucian worthies?

SOCIALISM VERSUS CONFUCIAN CONSTITUTIONALISM

In Chinese political discourse, the socialist or “new Leftist” thinkers seek inspiration from the Marxist tradition as well as China’s Maoist heritage. Wang Shaoguang, professor of political science at the Chinese University of Hong Kong, is one of the leading “new Left” thinkers in China. He is often (mis)taken as a strong supporter of the status quo in China, but Wang was sharply critical of the emphasis on privatization, the destruction of the Maoist-style emphasis on social welfare, and the growing gap between rich and poor in the 1980s and 1990s. The Hu Jintao era has seen somewhat of a (re)turn to the “Left”—elimination of taxes and improved health care in rural areas, more funding for basic education, and experiments with socialist forms of property rights in Chongqing and elsewhere—and that is the main reason Wang has become more supportive of the status quo. Still, he argues that more needs to be done to combat the inequalities generated

by capitalist modernization in China (the gap between rich and poor has continued to worsen). Jiang Qing agrees with the critique of capitalism, though they disagree about whether socialism or Confucianism should set the political agenda for China's political future.

For Wang, political legitimacy is not something to be defined by moral philosophers in total abstraction from the political reality. Rather, it is a matter of "whether or not a political system faces a crisis of legitimacy depends on whether the people who live there doubt the rightness of its power, and whether they consider it the appropriate system for their country." In other words, Wang endorses a definition of legitimacy as the legitimacy of the popular will. But far from endorsing liberal-democratic political practice, this view of legitimacy provides a critical perspective on actually existing democracy. Wang turns the tables on Jiang, arguing that he naïvely endorses "the mainstream Western view that Western liberal democracy does enjoy the legitimacy of the popular will." In the United States and Europe, empirical studies show that institutions that represent the people have little popular legitimacy. Wang argues that the main problem lies with the expectation that elections *per se* can represent the people's will. In fact, capitalist interests tend to skew electoral outcomes: the wealthy elites participate more in politics, with the result that "the influence of elites on the government far surpasses that of the masses." Hence, the problem is not too much democracy (as Jiang argues), but too little.

Wang draws on extensive empirical evidence to show that the Chinese political system enjoys greater legitimacy—in the sense that people have confidence in their government—than most Western liberal democracies. He notes that such results were greeted with skepticism by Western scholars, but later inquiries were designed to prevent people from telling lies, and still the results show consistent support for the regime. In this sense, Wang questions Jiang's assumption that China has a legitimacy crisis. Wang seems to credit Mao Zedong's efforts to "destroy the capitalist class," and he quotes a study that shows more support for Maoism than for Confucianism or liberalism. But he worries that China has not done enough to combat the increasing power of the elite in politics. For example, the proportion of workers and farmers in the National People's Congress has fallen since the Cultural Revolution. For China, too, the solution is more democracy, not less. But democracy must be more than elections: "It should be a new form of democracy that tries to enable everyone to take part in politics through sortition, deliberation, and modern electronic forms of communication and that extends popular participation from the political realm to other areas, including that of the economy." If we were to use

Jiang's terminology, Wang concludes, "then 'socialism' would be the way of heaven (sacred legitimacy), 'democracy' the way of humanity (popular legitimacy), 'Chinese' the way of earth (cultural and historical legitimacy). Would this model of threefold legitimacy not be a 'more realistic utopia'?"

In his response, Jiang distinguishes between normative legitimacy and "subjective endorsement of the actual political situation by the masses." For Jiang, there are three forms of normative legitimacy that balance and check each other, unlike Western democratic politics that grants sole normative legitimacy to sovereignty of the people. Even in terms of popular legitimacy, however, Jiang does not share Wang's view that there is no legitimacy crisis in China. While the standard of living has made great progress as a result of the policy of reform and this has led to a rise of popular satisfaction, "popular legitimacy is broader than this. Besides the satisfaction of material life, it also includes the protection of some basic rights such as freedom of speech, of religion, of media and the press, freedom to form associations, and the like. It also includes the sense of security of the people, their happiness, their sense of fairness, and assessment of social and political morality. In this sense, the Chinese masses are clearly discontented."²⁶ And whereas Wang does not say whether he favors participatory democracy instead of competitive elections or as a supplement to them, Jiang is more straightforward about the need for elections to improve popular legitimacy: "The participation of all is granted a place in popular legitimacy and in the House of the People."

Still, Jiang notes that Confucianism and the new Left do hold some things in common: both are opposed to the capitalist alliance of political and financial elites who oppress the masses. But they hold different views about how to deal with the problem. For Maoists, the solution is to attack all forms of inequality in society. But this ideal is a destructive utopian fantasy, leading to such outcomes as the Terror of the French Revolution and the chaos and violence of the Cultural Revolution. For Confucians, the best way of challenging material inequality is to replace a financial elite with an elite of "worthy and capable scholar-officials [who] are able to truly represent the interests of the masses thanks to their moral virtue and political ability, and hence once in power they can forcefully oppose the monopoly of power of capitalism and the oppression that this brings to the masses." The realistic choice is not between an egalitarian society and an elitist one but rather between different kinds of elites. Confucians favor "an elitism of knowledge and ability, not of money or wealth." In that sense, Jiang's ideal of the Way of Humane Authority is a realistic utopia "that can be realized by reflection and effort."

A THIRD BEST WAY?

One of the great virtues of Jiang Qing is his willingness to engage in substantive debate with his critics. He tackles their arguments in elaborate detail and makes clear distinctions between his responses. One is tempted to say that Jiang's argumentative style is closest to the mode favored by Western (or Anglo-American) liberal thinkers, though he is no doubt inspired by earlier Confucian debaters such as Xunzi who wrote in a clear and systematic style. Still, there is an element of unease: Jiang seems adamant about sticking to his views; he fails to make even one concession to his critics.²⁷ He gives the impression that China (and maybe even the whole world) is doomed unless it endorses and implements the Way of the Humane Authority as a whole package.²⁸ So it is worth asking if Jiang *could* have made some compromises or modifications to his theory that would have at least partly satisfied his critics.

Jiang himself notes that the Way of the Humane Authority is already a compromised ideal. In an ideal world, an all-wise and virtuous sage king would decode Confucius's message in the *Spring and Autumn Annals* and seek to implement the blueprint for reform that could save the world (*tianxia*) from its current state of turmoil: "The highest political hope of Confucianism is for the return of a sage king who will restore the direct rule of the sage kings."²⁹ But Jiang recognizes that no such sage king has appeared since ancient times (he recognizes that Mencius, who claimed that sage kings come in five-hundred-year cycles and hence were overdue in his own day—the fourth century BCE—was too optimistic). Hence, Jiang does not theorize much about this possibility but rather puts forward what should be viewed as a second-best alternative—the Way of the Humane Authority—to be implemented in China first, with the hope that it could inspire the rest of the world. But Jiang explicitly reminds us that "Confucian constitutionalism is the interim Way of the Humane Authority that prepares for this direct rule by the sage kings. . . . [It] is not designed to last forever. It exists only in this interim period of republicanism."³⁰

But if Jiang has compromised his ideal, why can he not make further compromises that accommodate some of the arguments of his critics? Why can he not consider the possibility of a third best way, something less good (from Jiang Qing's perspective) than the Way of the Humane Authority but that is still better than the status quo? In fact, Jiang Qing's own political interventions suggest that he is willing to consider the possibility of a third best way. He signed a petition that publicly criticizes plans to build a church in Qufu (the home of Confucianism) that would tower over the Confucian temple;³¹ the rest of the power structure in China would not

change, but presumably this effort to fight for the status quo is worthwhile. He has compiled a twelve-volume series of Confucian classics for children that is meant to shape education now, not just in the fully “Confucianized” future. He has praised the female academic Yu Dan’s best-selling work on the *Analects* of Confucius on the grounds that she helps to popularize Confucianism among the masses even though he disagrees with her depoliticized interpretation of Confucianism.³² And he has called for “Confucianizing” the Chinese Communist Party and more teaching of Confucian classics in Communist Party schools, and he has said that he would advise the current government if called upon to do so. On all these issues, he has been surprisingly pragmatic and willing to work within the contemporary social and political reality for improvements, even though the result would still not look anything like the Way of the Humane Authority. Of course, he would hope that these improvements would pave the way for the Way of the Humane Authority—just as the Way of the Humane Authority is a short-term (several thousand years?) political ideal that is meant to pave the way for a sage ruler—but the point is that he should also be open to modifications of his views that go some way to appeasing his critics. So what would a “third best alternative” look like? More precisely, how could Jiang Qing modify his views so as to accommodate some of the criticisms of his critics while still remaining true to his central normative (religious) commitments?

Let us first ask if Jiang can accommodate the views of his socialist critics. Jiang clearly aspires to a society governed by talented and virtuous elite. For the socialist, the downside is that the governed—the mass of mankind—seem to be perpetually condemned to a life of hard physical labor and toil. As Mencius (in)famously put it, “Those who labor with their brains govern others; those who labor with their brawn are governed others. Those governed by others, feed them. Those who govern others are fed by them. This is a principle accepted by the whole world” (*Mencius* 3A:4). Mao went to the other extreme and tried to abolish any division between those who work with their brains and those who work with their brawn. As Wang puts it, “[H]e was looking for a completely equal society in which the three great inequalities of workers and peasants, town and country, physical labor and mental labor would be destroyed.” In the Cultural Revolution, it meant sending “intellectuals” to the countryside and “peasants” to universities. The result was ten years of violence and chaos that few Chinese would want to go through again.³³ Even advocates of Maoism now, Jiang notes icily, would not likely favor an outcome where “Professor Wang [works] on the assembly line in a factory in Dongguan and . . . an assembly worker from a factory in Dongguan [lectures] in the Chinese University of Hong Kong.”³⁴

But perhaps the “original Marx”—one still (at least partly) favored by Jiang³⁵—holds some valuable insights. At the moral core of Marx’s philosophy is the idea that we should strive for a society that frees the large mass of humankind from the need to slave in factories and fields. Marx opposed the capitalist mode of production because it treats workers as mere tools in the productive process and puts technology to use for the purpose of enriching a small minority of capitalists. But capitalism does have one virtue: it has the consequence of developing the productive forces (technology and the knowledge required to use it) more than any previous economic system, and hence lays the foundation for communist society. Once the productive forces are sufficiently developed, then capitalist property relations will be overthrown and humankind can begin to implement communism. The final goal is “higher communism”: technology will be highly developed and machines will do most of the dirty work needed to meet people’s physical needs, and people will finally be free to develop their creative talents. Unpleasant labor will be limited to the maintenance of machinery and other tasks required to keep the system going, but this “realm of necessity” would not take up most of the working day.

Jiang would no doubt reply that “higher communism” is a dangerous fantasy. Any attempt to bring it about by focusing exclusively on the development of the productive forces would end up destroying the environment (Marx, to be fair, was unaware of global warming). Plus there will always be a need for talented and virtuous elite to govern others,³⁶ and Marx’s ideal of society where the state would have “withered away” is another utopian fantasy. Fair enough. But it does not follow that we should be satisfied with a capitalist economic system that is designed to maximize the profit of a minority of capitalists. To the extent possible, we should favor technological change and a property rights regime that frees workers from the need to engage in drudge labor. Of course, this aim would have to be balanced against other concerns, such as economic efficiency and environmental sustainability. This kind of decision making is likely to be empirically complex and would require, at the very least, knowledge of basic economics: precisely the sort of decision making that should be the concern of the talented and virtuous elite. However, the selection process of political elites—whether for the House of *Ru* or the Academy—would need to involve testing of basic economic knowledge,³⁷ not simply knowledge of the Confucian classics.

For Jiang’s liberal critics—even those sympathetic to (parts of) the Confucian tradition—the key worry is that Jiang seems intent on institutionalizing a form of Confucianism that is founded on highly controversial transcendent values. Such a foundation for Confucian constitutionalism is not

acceptable to those who view Confucianism as primarily social rather than religious ethics, not to mention those indifferent or hostile to the Confucian tradition. But it is worth noting that few of the criticisms were directed at Jiang's institutional proposals per se. In fact, these same critics have written works defending institutional frameworks that incorporate aspects of meritocratic (or elite) rule with democratic institutions.³⁸ So perhaps Jiang and his critics can agree to disagree about justifications for political institutions. The House of *Ru*, for example, could be justified with reference to a transcendent heaven for Jiang and his supporters, whereas it could be justified differently by nonreligious Confucians and others.³⁹ Politically speaking, what matters is to secure agreement on what the institution is supposed to do. For example, Jiang argues that democratic representation is limited because (even when it works well) it represents only the interests of voters. Hence, the House of *Ru* would have the task of representing the task of nonvoters who are affected by the policies of the government, including future generations and people living outside the boundaries of the state. In practice, one of the main tasks of the House of *Ru* would be to consider the environmental consequences of policies that are normally neglected or underemphasized in democratic decision making since the voters (and politicians chosen by them) are unlikely to favor policies that curb their own interests in cases of conflict with the interests of future generations and foreigners.⁴⁰ Jiang Qing's critics could agree to a house of parliament specifically entrusted with the task of deliberating about the interests of nonvoters, though they would agree for different reasons. For Jiang, the deputies in the House of *Ru* decide in favor of environmentally sustainable policies because they owe their allegiance to the moral truths enshrined by heaven. For his nonreligious critics, the deputies might reach similar decisions because they seek to consider the basic (evolutionarily determined?) human needs of those who are typically neglected by democratic decision making, as well as perhaps the needs of the animal and natural worlds. The latter might not agree that welfare of future generations, humanity as a whole, and the environment is a "sacred" duty, but it does not matter as long as they agree it is an important duty and there is a need for an institution that would have the task of being responsible for the needs of nonvoters affected by the policies of the government.

Of course, it is not so simple. For one thing, Jiang insists that the constitution should be explicitly based on sacred Confucian values, something his critics could not accept. But perhaps there is room for compromise. What matters is the substance of the values enshrined in the constitution, not the precise terminology. If the substance of Confucian values is protected without any explicit reference to the Confucian (sacred) tradition,

Jiang should be able to live with the result.⁴¹ And when we do turn to the substance, it turns out that Jiang has much in common with his liberal critics. He favors the freedoms of speech and association, religious toleration, concern for the disadvantaged, and so on. He seems to allow for multiparty politics in the election mechanisms that select deputies for the House of the People. Pure liberals might object to a constitution that enshrines an element of elite rule (elites would be selected by nondemocratic mechanisms such as examinations and recommendations in the other houses),⁴² but liberal Confucians such as Chan, Bai, and Li may be willing to go along.

Still, liberal Confucians almost certainly will not be willing to endorse the whole of Jiang's institutional proposals. Jiang's seemingly unshakeable confidence in the truth of sacred, transcendental Confucian values underpins his desire to empower Confucians in the House of *Ru*, the House of the Nation, and the Academy as well as his call to make Confucius's direct descendant into the symbolic monarch. But such confidence, to put it mildly, is not widely shared in China (or anywhere else); it may be a product of Jiang's own rather distinctive lifelong quest for an absolute moral truth that would make sense of the mysteries of the universe. Arguably, Jiang's own outlook goes against the grain of Chinese popular culture, which has been eclectic and pragmatic about religious outlooks for much of its history (the casual tourist to China cannot fail to notice temples that seem to incorporate, almost at random, aspects of Daoist, Buddhist, Confucian, and folk religions). So perhaps Jiang should allow for greater political power for non-Confucians in the name of being faithful to an important strand of Chinese culture and history.

To be fair, the House of the Nation is supposed to represent not just the Confucian tradition but also other traditions that have been influential in Chinese history, such as Buddhism, Daoism, and Christianity. Still, Jiang argues that the head of the House should be the direct descendant of Confucius (i.e., the symbolic monarch) who should have the power to approve and reject all proposals for the deputies in the house. Here, Jiang would need to compromise. Surely it is more respectful of traditions to let them choose their own representatives without fear of veto power: Buddhist organizations would choose Buddhist representatives to the House of the Nation, Daoist organizations would choose Daoist representatives, and so on. In fact, such practices could coexist with extra state sponsored support for Confucianism. What matters (for Jiang) is that Confucianism is the "first among equals," not that Confucians exercise direct control over other religions.

The Academy would also need to be somewhat "de-Confucianized" in order to be made acceptable to liberal Confucians. Jiang himself draws

extensively on knowledge of different constitutional systems to defend (and compare) his proposals,⁴³ so it would not seem unreasonable to request that members of the Academy have some knowledge of comparative constitutionalism. Such knowledge can be helpful for thinking about how to mediate conflicts among the three houses of parliament.⁴⁴ Another task of the Academy is to check the power of the three houses of parliament, but Jiang's critics are not likely to agree that we can rely on the superior virtue of its members as a way of checking their own power. Such mechanisms as term limits and stiff penalties for corruption would also be necessary to "guard the guardians."

The symbolic monarch is perhaps the most controversial of Jiang's proposals, and here too he would have to compromise. In principle, a symbolic monarch may be a good idea: as Jiang points out, it is important to separate a symbolic ruler who can exert a pull on people's emotions from the real power holders who should be subject to more rational scrutiny.⁴⁵ But the conclusion that the monarch must be the direct descendant of Confucius is open to the obvious challenge that he or she may not be sufficiently talented or virtuous to exercise the job well.⁴⁶ Jiang's view that the monarch must be a direct descendant is derived on the basis of criteria for choosing the symbolic monarch that owe more to political considerations than to normative commitments, so he can be flexible about these criteria if they lead to potentially problematic outcomes. Perhaps the symbolic monarch can be chosen on merit from among a randomly selected group of descendants of Confucius (there are several thousand in Qufu) rather being the direct descendant of Confucius, thus minimizing the risk that he or she would lack basic talent or virtue.

The Way of the Humane Authority may be a worthy ideal,⁴⁷ but it is a work of political imagination. Hence, Jiang Qing should be open to the possibility of modifications of the ideal that can bring liberal Confucians and socialists on board (so long as they do not undermine his core normative commitments). One advantage is that there would be a widely shared standard for evaluating political progress in China. Instead of judging political progress simply by asking whether China is becoming more democratic, the new standard would provide a more comprehensive way of judging political progress (and regress). And there may be more reasons for optimism. In several years, for example, Chinese leaders are not likely to be chosen according to one person one vote, but if meritocratically chosen leaders do more for workers, farmers, and future generations, and if there is more political support for the protection of history and culture in China, then on balance different political forces could agree that China is moving in a more humane direction.

Another advantage of a “third best way” that can bring liberal Confucians and socialists on board is that the goal of “Confucianizing” society and politics may be easier (or less difficult) to realize. But even such modifications remain a long way from the political reality. Just as Kang Youwei’s proposal for Confucian constitutionalism a century ago could come close to shaping China’s political future only in the context of substantive parliamentary debates in a relatively open society, so Jiang Qing’s proposals (even in modified form) are not likely to see light of day without more freedom of political speech that encourages open debate about substantial political reform.⁴⁸ But we can thank him for putting some strikingly original and thought-provoking proposals on the table. I do not know if they will have substantial political influence, but let me end with one prediction: we will still be debating Jiang Qing’s ideas one hundred years from now, just as we are still debating Kang Youwei’s ideas today.⁴⁹