

# “Confucian Democracy” and its Confucian Critics: Mou Zongsan and Tang Junyi on the Limits of Confucianism

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## “Confucianism and Democracy” in the 20th Century

The notion of a “Confucian democracy” receives considerable attention in the academic world nowadays, but unfortunately it is often entangled with identifying Confucianism summarily and uncritically as the historical essence of China, or even of East Asia more generally. Imagining that Confucianism could be a cultural remedy for the defective political reality of democracy nevertheless still influences the political thought of many proponents of Confucianism. So far, no “Confucian democracy” has existed in any country, and none of the political ideas associated with it has had a profound impact on international discussions of democracy theory, let alone an impact on the institutions of existing democracies. The only noteworthy exception, if one wants to consider it “Confucian,” is Sun Yat-sen’s model of five constitutional powers, as it survives on the island of Taiwan.

It might be suspected, therefore, that critical reflection on the topic of Confucian democracy is by and large a matter of case studies of “culturalism” in its different shades and varying historical contexts. The exceptions, tellingly, are in areas of Confucian thought of the 20th century that have fallen into obscurity during the last three decades. In the 1950s and 1960s, Mou Zongsan (1909–1995) and Tang Junyi (1909–1978), two of the most productive Confucian philosophers of the 20th century, discussed the relationship between Confucianism and democracy. While both authors are widely recognized inside and outside of China as eminent proponents of modern Confucianism, their ideas of democracy in particular, and their political philosophy in general, receive little attention even among contemporary Confucians. A reconsideration of their work on political philosophy, I propose, might not only shed light on a critical strain within modern Confucianism thus far largely ignored, but could help identify salient features of Confucianism that deserve further discussion. Both Mou and Tang open perspectives on the relationship between Confucianism and democracy that go far beyond reducing the topic to an exercise in reassuring readers about China’s cultural uniqueness.

The neglect of their work in this area is remarkable, though, given the continued interest in other aspects of their Confucian philosophy, including ventures into ethics, cultural philosophy and metaphysics. Some grave misunderstandings persist

as well, due to their piecemeal reception. Jiang Qing, for example, provides an utterly misleading and distorted portrayal of modern Confucianism as a philosophy that deals exclusively with questions of “life” (*shengming* 生命), ethics and metaphysics while completely neglecting political aspects.<sup>1</sup>

If political thought in modern Confucianism is discussed, then the names typically singled out are those of Zhang Junmai and Xu Fuguan.<sup>2</sup> It is likely that the political philosophy of Mou and Tang has been neglected due to their highly critical, and – depending on one’s point of view – even inconvenient, approach to China’s Confucian tradition. Their depiction of the deficits in traditional Confucian political thought is one of the most systematic, if not searing, critiques of Confucianism put forward in the 20th century. The silence with which their criticism of Confucianism’s political record is met today is telling.

There are other reasons for this silence. One is the excessive attention given in recent years to an extensive manifesto entitled *A Declaration to the World for Chinese Culture* (*Zhongguo wenhua yu shijie* 中國文化與世界), compiled by Tang Junyi and signed by Mou Zongsan, Zhang Junmai and Xu Fuguan. This manifesto was first published in 1958 in *The Democratic Review* (*Minzhu Pinglun* 民主評論).<sup>3</sup> Tang produced it within two weeks during an extended visit to the United States in June of 1957, and discussed its contents either personally or through correspondence with Mou, Zhang and Xu. A complete English translation was published in 1960 in the Taiwan-based journal *Chinese Culture*; two shorter and paraphrasing translations followed later.<sup>4</sup>

It may appear convenient to have a single text, in the form of a manifesto, together with its English translation, as they seem to provide a comprehensive overview of the philosophical project of modern Confucianism. But the reception of this text has proven problematic. The manifesto should be read for what it is – a manifesto making an appeal to its readers – and not as a philosophical text which carefully develops its arguments. Its considerable length and its academic style, however, have led many readers to take it as the latter. Read out of context, meaning without reference to the many other texts written by the authors in that era, the manifesto cannot serve as a reliable compass to Tang’s and Mou’s thought or political philosophy. A much broader analysis of their texts is indispensable if one wants

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1 Jiang 2003, 20–23, 25.

2 There are exceptions to this tendency, including He Xinquan’s, Liu Guoqiang’s or Thomas Metzger’s research on Mou Zongsan’s and Tang Junyi’s political philosophy.

3 Zhang, Tang, Xu and Mou 1958.

4 See: Zhang, Xie, Xu, Mou and Tang 1960; Zhang 1962, vol. 2, 1–29; Kramers 1981. None of these English texts are free of terminological inconsistencies and misleading translations.

to avoid short-circuiting many questions they raise – or worse, perceiving them incorrectly as Confucian traditionalists or apologists.

Another reason for neglect lies in their intellectual biographies. For reasons that remain unclear, their thoughts on political philosophy largely ceased being produced after the mid-1960s. Pending further research, one can surmise this was connected to the beginning of the Cultural Revolution, with its crude anti-Confucian propaganda, which might have cautioned them against further critical explorations of the political deficits to be found in traditional Confucianism. During the 1970s, however, that might have brought them somewhat closer to the anti-communist regime of the Guomindang 國民黨 (hereafter: GMD) on Taiwan.

Given that Tang Junyi and Mou Zongsan were probably influenced by the political and societal upheaval that took place on the Chinese mainland starting in the mid-1960s, and subsequently barely addressed questions of political philosophy, one might see their political thought as little more than a brief interlude in their overall philosophical project. But that judgment would be incorrect, for Tang’s and Mou’s overall interest in their philosophical work was to reconstruct Confucianism in the context, and under the social conditions, of modernity. Therefore, it was precisely the social and political implications of a philosophical project of this kind that they wished to articulate.

## Contexts for Discussing “Confucian Democracy”

Many recent studies of “Confucian democracy” are located in the realm of Chinese studies, where political philosophy and various social sciences intersect. These studies focus on (traditional) Confucian themes regarded as relevant to theories of democracy in the broadest sense, including concepts of political participation, human rights, and citizenship. When they elaborate on how to inscribe elements of Confucian thought onto Western democratic thought (such as in pragmatism or communitarianism), it is usually with reference to the “classical” pre-Qin periods of Confucian thought. Concepts of democracy as developed by modern Confucians such as Mou Zongsan and Tang Junyi are considered at most in passing.<sup>5</sup>

Since the early 20th century, Chinese thinkers have debated “democracy and Confucianism”, though often in quite inconsistent and contradictory ways. Given Confucianism’s dubious historical record when it comes to promoting democracy in China, this is hardly surprising. Early in the Republican period, positions ranged

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5 Recent titles include Tan 2004; He 2002; Jang 2004; Jin 1993; and Hall 1999. Bell (2003) takes a different path in attempting to identify Confucian political culture and Confucian political or religious institutions with respect to Western democratic ideas and institutions.

from identifying Confucianism as the ideological enemy of political democracy (and of republicanism)<sup>6</sup> to portraying it as a repository of traditional Chinese ideas and institutions conducive to solidifying, if not even improving on, Western models of constitutional democracy in a Chinese context. Zhang Junmai, for example, accentuates how conducive Confucian tradition is to developing civic virtues, which he understands as a necessary pre-condition of nation-building and, consequently, democracy.<sup>7</sup> In a quite different vein, one can find early attempts to justify authoritarian forms of government in terms of Confucianism. Claims to improve Western democracy through Confucian tradition are abundant in right-wing GMD ideology (such as in the new life movement of the 1930s) and also can be found in Sun Yat-sen's thought.<sup>8</sup> The major parameters for discussing the compatibility of Confucianism with democracy thus were set decades before the contemporary debate about "Asian values" began.

Participants in the contemporary debate about "Asian values" introduced a variety of concepts of Confucianism. Those participants favouring democracy referred to a concept of political democracy that was generally similar to that found in "liberal democracy," at least in its institutional manifestation: republicanism, constitutional government, some form of parliament, the rule of law and public elections. This was, of course, not the concept of democracy as understood by Chinese Marxism and in the ideology of the GMD.

Although Mainland Chinese intellectuals who favour "Confucian democracy" often critique China's present government and social policies (mostly within the limits sanctioned by the CCP), some are equally critical of Western democracies and strongly emphasize the (seemingly foreseeable) superiority of a Confucian(ized) "democracy" over "Western liberal democracies".<sup>9</sup> Similar tendencies can be found when the CCP highly praises China's "democratic" tradition. It is seen as embodied in pre-modern Chinese notions of a common welfare, and rests on the idea of a government adhering to the principles of the "people as foundation" (*min ben* 民本).<sup>10</sup> Much in the same vein, Chinese "neo-conservatives" of the 1990s stressed the necessity of establishing Confucian nationalism as a foundation for a future Chinese democracy.<sup>11</sup>

The conceptualization of "Confucianism" varies widely in these contexts, but two features clearly stand out. First, Confucianism is understood in relation to

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6 For example, Chen 1919.

7 Zhang 1933, 203, 224.

8 On the political implications of the GMD regime's official "Confucianism" between 1949 and 1987, see *Zhongguo wenhua xiehui* 1967, 5–7; Chun 1996, 138–141.

9 See Jiang 2003.

10 Wen 2005.

11 Xiao 2000, 229.

China’s modernization and the widely-held view of China as a latecomer to the modern world. China’s national history is then seen optimistically, for the proponents see Confucianism as one of China’s crucial assets: they think it holds the promise of being able to create a successful modern state (including democratic government) and society, if not prove superior to modernity as experienced in Western countries. Second, there are strong tendencies to define Confucianism as a system of *values* – political, social, cultural or religious – which have been, are, or should be held by the community and which shape social habits. Confucianism might then even be understood as a form of Chinese or East Asian mentality, one that plays an important role in the value orientation of (Confucian-oriented) individuals. In international debates on Asian values, one end of the spectrum is represented by Francis Fukuyama’s conflation of Confucianism and democracy, the other end by Samuel Huntington’s declaration that they stand in inherent contradiction.<sup>12</sup>

From the vantage point of such conceptions of Confucianism, Western democracies are understood in terms of values and normative principles but less so in terms of institutions and procedures. “Confucian” values and virtues are identified and often linked to notions of self-cultivation, or the self-transformation, of individuals or entire communities. Consequently, the quality of democratic government seems to depend to a large extent on the “cultivation” of personal qualities and virtues by either rulers or citizens, or on the kind of values they share and put into practice.

The Confucian classic *The Great Learning* (*Da xue* 大學) is often cited in this context. The underlying assumption is traditionalistic, since it proposes that the quality of modern societies should be measured by standards of personal self-cultivation which are open to all. Yet this sort of traditionalism – with references made to ‘time-honoured Confucian values’ – is paradoxical inasmuch as it is an interpretation that has no roots in imperial, let alone pre-imperial, China but instead was first articulated probably in the late 19th century. These more recent, and yet traditionalistic appropriations and interpretations of the *Great Learning*, envision the self-cultivation of groups of people unknown to pre-modern China, including citizens, the nation, the political avant-garde, and members of a constitutional government.<sup>13</sup> Pre-modern Chinese interpretations of the *Great Learning* in fact identify quite different agents of personal self-cultivation (e.g. the emperor).

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12 Fukuyama 1995; Huntington 1996, 15, 18, 21. Neither Fukuyama nor Huntington are specialists in Chinese studies, yet similar value-based conceptions of Confucianism, Confucian self-cultivation or Confucian communities can also be found in more specialized studies.

13 Anne Cheng calls the contemporary tendency to ignore the historical horizon of the *Great Learning* in interpreting “self-cultivation” “jack-of-all-trades Confucianism”: Cheng 2008, 20, 24; see also Cheng 2007, 102–104.

Furthermore, the notion of individual or collective self-cultivation being embedded in values (possibly even shared in specific communities) is distinctly modern. The very notion of values, and therefore also of a community united in common values an individual was free to accept or reject, was as foreign to traditional China as it was to pre-19th century European thought (apart from values as understood in 18th century economic thought<sup>14</sup>). One might suggest that the increased currency of ‘values’ (a term rendered in modern Chinese by the neologism *jiashi* 價值) in discussions about Confucianism, and of value-centred notions of culture, could be related to the breakdown of the imperial cult of the state at the beginning of the 20th century and the prolonged failure of Republican China to establish a functioning form of constitutional government until mid-century. Hence, there has been a tendency since the 1910s to over-emphasize, in an almost cultish manner, the notions of “values” and of “culture.” Because this coincided in time with the collapse of the imperial state, one should probably regard this as compensatory: a near-religious veneration of “culture” to replace the former imperial cult.

## Particularity and Universality in Discussions of Confucianism and Democracy

Both particularity and universality are present in theories of modernity and modernization as it relates to debates about “Confucianism and democracy”. Two positions are particularly relevant:

(1) Voices in favour of Confucianism’s potential to embellish or even overcome liberal democracy, based on particularistic assumptions of modernization. The cultural uniqueness of China’s political modernity is highlighted and democracy is only accepted in a specifically *Chinese* variant – so institutional adjustments need to be made to sinicize democracy. Sun Yat-sen’s constitutional blueprint, for example, adds the governmental powers of the ‘control yuan’ and ‘examination yuan’ to the executive, legislative and judicial powers. Likewise, in lectures on “people’s rights” (*min quan* 民權) in his *Three Principles of the People*, he suggests a “Chinese solution” for what he deems the fundamental problem of Western democracies: the lack of trust between government and citizens. Sun’s “solution” is linked to what he identifies as a Chinese tradition of meritocratic thought and institutions, meaning government by elites composed of capable, virtuous men.

Still, despite Sun’s emphasis on Chinese tradition, it is likely he drew on strands of 18th and 19th century European liberal thought, and on J.S. Mill in particular, that had argued for an independent political representation by elites and a strongly

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14 Joas 1999, 37.

constrained suffrage. Broad political participation and popular sovereignty would thereby be restrained. Singapore’s Lee Kuan Yew recommended in 1992 that the voting laws be changed to award a double vote to those in their 40s and 50s to reflect their broader experience in taking responsibilities for their families and hence their superior ability to make reasonable decisions.<sup>15</sup>

We can include Jiang Qing’s “political Confucianism” and his idea of adding a “Chamber of Confucians” to a parliamentary representation system here. Jiang Qing views “democratic ideas” such as freedom, equality, the rule of law and human rights as typically Western and favours a more “substantial” Confucian type of political democracy instead that would guarantee the moral quality of voters and politicians alike.<sup>16</sup> Such approaches entail strong tendencies toward authoritarianism. Yet, what they deem as a typically Confucian or a Chinese enhancement of democracy may in fact have roots in the Chinese reception of Western political thought. It seems that the elitist strands of European liberalism of the 18th and 19th century which often resulted from a need to defend social and political privilege were transformed into authoritarian ideas by Chinese thinkers who attempted to establish a strong, modern nation-state.

(2) The second position is closely related to theories that modernization leads, in the long run, to a world-wide convergence. This approach often asks why China failed to develop a liberal democracy on its own. Early examples of this approach can be found in the work of Hu Shi or Chen Duxiu, mainstream authors in the New Culture Movement. The assumption of a universal process of modernity, however, as exemplified by Samuel Huntington, may lead one to conclude there is a fundamental incompatibility between Confucianism and democracy. Contemporary Confucianism outside the Chinese mainland, as in Taiwan or the United States, generally assumes instead that the two are compatible. Tu Wei-ming’s theory of multiple modernities, for example, has universalistic implications. Although it emphasizes that there are culturally specific versions of modernity, hence the plural “modernities”, it also presumes a convergence of value systems. That convergence of Western and East Asian modernities contains Western concepts of democracy, open society, or scientific progress.<sup>17</sup> Concepts of individual rights, constitutionalism, natural law, and individual freedom were indeed absent in Confucianism, but now can be integrated into a Confucian discourse on democracy, one that is evolving globally, without contorting Confucianism itself. Against this backdrop, Tu Wei-ming ar-

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15 Heinz 1999, 60–61.

16 Jiang 2003a, 22–23, 283–284, 366–368. Jiang elaborates his idea of a “chamber of Confucians” only in the Taiwanese edition of his book (Jiang 2003b); see Sébastien Billioud’s translation: Jiang 2009, 117.

17 Tu 2002.

gues that “Confucian personality ideals” would be “realized more fully” in a liberal democracy.<sup>18</sup>

## Mou Zongsan and Tang Junyi on the Danger of Confucianism for Democracy

The conceptualization of liberal democracy as a political form facilitating the realization of Confucian ideals already appeared in elaborated form in the thought of Mou Zongsan and Tang Junyi. Their notion of a Chinese democracy in the making also transgresses the cultural boundaries of East and West. It puts forward a normative claim that it can identify deficits in existing liberal democracies as well as the correct way to overcome them – and hence that the West shall “learn” from the East.<sup>19</sup>

Mou Zongsan and Tang Junyi conceptualized modernization as a universal, global, ongoing process, with liberal democracy as an integral element of social modernization in general, and of the modern state in particular.<sup>20</sup> Tang Junyi identifies a scientifically progressive, industrialized society as a key element of social modernity, as was a modern state with democratic and constitutional government.<sup>21</sup>

Unlike most contemporary Confucian intellectuals, Mou Zongsan and Tang Junyi were both convinced that the *political* tradition of Confucianism cannot function as a normative resource of liberal democracy, but ought to be seen instead as harmful to it. Mou Zongsan singles out a form of “administrative democracy” that was void of any trace of constitutional government but was prevalent in pre-modern China. In Mou’s view, this kind of “administrative democracy” must not be confused with political democracy. Political democracy was unknown in pre-modern China, and if the two notions are conflated, efforts to introduce liberal democracy to modern China are doomed to fail.

Tang Junyi also set out to find the limitations in the political tradition of Confucianism and to use this critique as a possible resource for and of liberal democracy. In his ‘modern Confucian’ vindication of liberal democracy, the notion of government by sage and worthy individuals takes on a form unknown to traditional Chinese political thought. Tang Junyi’s concept of the rule by sages is completely devoid of historical allusions to sage-rulers. The “sage” effectively functions as a limit-concept (*Grenzbegriff*), as a civil-theological term, in justifying liberal democracy.

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18 Tu 2002, 70–71.

19 Zhang, Tang, Xu and Mou 1958, 46–59.

20 Zhang, Tang, Xu and Mou 1958, 32–33, 35–36.

21 Tang 1965, 361. For an analysis of Tang Junyi’s concepts of modernity and modernization, see Fröhlich 2006a, 274–278.

The term “sage” as a translation of the Chinese word *sheng* 聖 or *sheng ren* 聖人 has gained wide currency, but it is an ambiguous choice and potentially even misleading. There is a rich tradition of ideas of *sheng ren* reaching back to pre-imperial Chinese thought, and beyond Confucian texts.<sup>22</sup> In the following, “sage” will be used with respect to Tang Junyi’s political thought, though even Tang’s usage is ambivalent. He implies that the “great man” (*da ren* 大人), the “sage” (*sheng ren* 聖人), the “true man” (*zhen ren* 真人) and the “Heavenly man” (*tian ren* 天人) all have more or less the same meaning in Confucianism and Daoism.<sup>23</sup> Tang’s reference to the sage’s ability to “know Heaven”<sup>24</sup> and his ascription to the sage of an ability to attain intuitive insights in moral truth and in the absolute (*liang zhi* 良知) is crucial. The salient characteristic of a sage is thus not a form of discursive wisdom, but his intuitive access to the “sublime realm” (*shengshen zhi yu* 聖神之域) of “knowing Heaven”. This notion belongs to the “orthodox school of Chinese metaphysics” (*Zhongguo xingshangxue zhi zhengzong* 中國形上學之正宗).<sup>25</sup>

In abandoning traditional meritocratic ideals of government and notions of benevolent rule by superior individuals, both Mou and Tang conceptualize political power in ways both claim was never done in China’s traditional political philosophies. The notion that political power can function as a cornerstone for justifying liberal democracy is thus said to be typical of an explicitly modern Confucianism. Both place this justification within a distinct historical outlook in order to assert that liberal democracy is Confucianism’s authentic political form, hence that Confucianism may fulfil itself only in modern society.<sup>26</sup> “Confucian idealism” (*rujia de lixiangzhu yi* 儒家的理想主義) had never comprehensively manifested itself in politics and can do so only now due to the introduction of a “new outer king” (*xin wai wang* 新外王), Mou asserted, by which he meant science and democracy.<sup>27</sup> Both Mou Zongsan and Tang Junyi leave no doubt that traditional Confucianism failed to produce a liberal democracy out of its own resources. Hence, a justification of liberal democracy in terms of a renewed, modern Confucianism is necessary if the introduction of democracy to China was not to appear as a non-Confucian imposition. Or if it were not to spell the end of Confucianism as a political and social force.

22 See Unger 2003 for an analysis of Chinese texts stemming from, or traditionally ascribed to pre-imperial Chinese thought.

23 Tang 1961, vol. 2, 362.

24 See *Mengzi* 7A.1.

25 Tang 1961, vol. 2, 374. In other contexts, Tang uses terms like *sheng xian* 聖賢, *sheng ren* in a seemingly colloquial way to indicate a “personality of highest integrity”; see Tang 1958, 288, 612; Tang 1955, 65, 395–396. While highlighting Mencius, Tang also harks back to Confucius, Wang Yangming, Wang Chuanshan, and the *Zhong Yong*.

26 The manifesto of 1958 on this point: Zhang, Tang, Xu and Mou 1958, 39.

27 Mou 1991, 6 (introduction to the new edition); see also in the main text: p. 22.

In this context, it is instructive to refer to Richard Rorty's characterization of the relationship between democracy and philosophy. Rorty identifies one strand as theories that try to provide liberal democracy with a comprehensive philosophical justification. These theories, among them communitarianism, assume political institutions can be no better than their philosophical foundations. The other strand is represented by pragmatism as understood by Dewey and Rorty himself, a strand denying the need for a comprehensive philosophical justification of (American) democracy at all. At most, democracy might need some kind of philosophical articulation, though a full justification through philosophy might even be harmful to it.<sup>28</sup>

Mou Zongsan's and Tang Junyi's modern Confucianism belongs to the first type. Neither Mou Zongsan, who was in Taiwan during the 1950s and early 1960s, nor Tang Junyi, in Hong Kong, could describe and analyze a liberal democracy from within. Instead, they had to anticipate its workings as well as its problems, and rely on observations of non-Chinese democracies. Where American philosophers can look back on the history of American democracy to understand the formation of political judgment, modern Confucians of the second generation had to anticipate almost everything that was related to liberal democracy.

Rorty did not have Confucian philosophers in mind, but his approach is still helpful in describing a modern Confucian theory of democracy. Both Mou Zongsan's and Tang Junyi's political thought start from strong religious-metaphysical assumptions about the nature of man. In view of Rorty's juxtaposition of philosophy and democracy, they can therefore be labelled "philosophical" in a broad sense. For them, it was pivotal that their endeavours, including a modern reconstruction of Confucianism, remained accessible as "teachings" or "learning" for individuals wishing to fulfil their potential to become a sage through moral and spiritual self-cultivation.

Wang Yangming, the renowned Confucian of the Ming dynasty whose philosophy was a fundamental intellectual resource for Mou Zongsan and Tang Junyi,

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28 Rorty 1988, 82. Rorty identifies Robert Bellah, Alasdair McIntyre, Michael Sandel, Charles Taylor, and the early Roberto Unger as communitarians; *ibid.*, 85–86. Given Rorty's persuasive interpretation of Dewey's pragmatism as fundamentally different from communitarian approaches to liberal democracy, analogies between Confucian political thought and a "communitarianized" Dewey seem problematic. Rorty's essay primarily deals with Rawls's *Theory of Justice* and his "Justice as Fairness: Political not Metaphysical" (1985). A differentiation of political theory somewhat similar to Rorty's can be found in Vollrath 1987, albeit in the context of comparing the development of Anglo-American and German political theory. Ernst Vollrath's analysis is in reference to Hannah Arendt's attempt to develop a concept of power of political judgement out of an interpretation of Kant's third critique.

referred to his own thought as “learning of the sages” (*sheng ren zhi xue* 聖人之學) and “school of the sages” (*sheng men* 聖門).<sup>29</sup> The sage realizes, in the double meaning of the word, the true “nature” (*xing* 性) of all reality, including human nature, and gains instant awareness of the absolute (“Heaven”) itself (*zhi xing zhi tian* 知性知天). This realization takes place as intuition and is characterized by the concurrence of the sage’s cognition of ultimate truth and his acting upon it.<sup>30</sup> Both Mou Zongsan and Tang Junyi write abundantly on this intuition, one often described in terms of moral intuition and rendered in Chinese by the term *liang zhi* – a key concept in Wang Yangming’s teachings about the way to become a sage.<sup>31</sup> In the Confucian manifesto of 1958, this metaphysical-religious vision of Confucianism is tellingly referred to as “the learning of mind and nature” (*xin xing zhi xue* 心性之學).<sup>32</sup>

## Mou Zongsan’s Critique of Confucian Political Thought and Concept of Meritocracy

Mou Zongsan’s justification of democracy in terms of Confucianism is based on a fundamental critique of pre-modern Confucian political thought and of related political institutions, as set out in *Zheng dao yu zhi dao* 政道與治道, a book first published in 1961. In it, Mou asks why China, and especially Confucianism, failed to develop a political democracy. The usual culprit – legalism – does not figure prominently in Mou’s analysis. Imperial political institutions are not portrayed as outgrowth of legalist ideas, but are seen as bearing a considerable Confucian imprint.<sup>33</sup>

The main thrust of Mou Zongsan’s argument includes two interrelated points:

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- 29 Wang, *Chuan xi lu*, 88 (I.49), 178 (I.124), 295 (II.162). The now common label of “learning of the mind” (*xin xue* 心學) was originally introduced by critics of Wang Yangming.
- 30 With the exception of *liang zhi*, the terms stem from *Mengzi* VII A.1. Tang Junyi wrote extensively on this religious-metaphysical anthropology. See Tang 1955, 60–62, 416, 588–589; Tang 1957, 363–371; Tang 1961, vol. 2, 369–380 (on metaphysics in *Mencius*); see also Zhang, Tang, Xu and Mou 1958, 21–24. For a penetrating and concise analysis of Mou Zongsan’s notion of sages and their capacity to attain an intuitive realization of “Heaven” in *liang zhi*, see Thoraval 2003, 17, 22, 40, 44–47.
- 31 Tang preferred the romanized form *liang-chih* to English translations. He did not use the common, but flawed translation as “innate knowledge” and admitted to his difficulties in coining an adequate English term by tentatively proposing “original-good-conscientiousness”, “original-good-conscientious-knowing” (Tang 1970, 188), “conscientious consciousness of mind”, “moral consciousness”, “consciousness of *li* [理]”, and “being of the moral mind” as alternatives (Tang 1972, 79–80).
- 32 Cf. Zhang, Tang, Xu and Mou 1958, 21.
- 33 Mou 1991, 29.

- (1) The absence of conceptual thought (*Begriffsdenken*) in traditional Chinese political philosophy, which impedes the development of constitutional thought;
- (2) The absence of conceptual distinction between politics and ethics.

The first point – deficits in conceptual thinking – sounds Hegelian. This is no coincidence, but Mou Zongsan should not be mistaken for a Hegelian. Mou does not follow Hegel's absolute idealism and consequently refrains from developing Hegelian concepts of the absolute and of *Weltgeist*. Mou's sketch of a "philosophy of history" does not reach beyond the Han dynasty and is strongly anthropological in focus.<sup>34</sup>

Mou sees an absence of conceptual thought in Confucian philosophy prior to the 20th century. To explain this, he analyzes the concept of "political power" (*zheng quan* 政權) and especially the fundamental contradiction inherent to every manifestation of power in political reality. On the one hand, political power cannot be simply eliminated because it is the "regulating force" of "public affairs" within a "national alliance". Any claim to political power is characterized by a claim to continuity, since political power has an inherent tendency to continuity. Thus, political power is – by its "original nature" (*ben xing* 本性) – a "static being" (*jingtai de shiyou* 靜態的實有) and a "constant being" (*ding chang zhi you* 定常之有). As "static being", political power cannot be transformed into something like a physical object which may be lifted up and carried away.<sup>35</sup>

It is noteworthy that Mou explicitly relates political power to the nation, and predicates that as long as the nation exists, political power exists as well. Thus, political power "ought" to be permanent, since it is directly related to the existence of one's "own" nation.<sup>36</sup> On the other hand, this claim can never be fulfilled as long as power is embodied in mortal human beings in (aristocratic) families and clans, or in individuals such as kings and emperors. It was this contradiction – between the claims to continuity inherent in political power on the one hand and the mortality of those monopolizing it on the other – that produced China's long history of power struggles.<sup>37</sup> According to Mou, former "worthies" (*xian* 賢), meaning Confucian philosophers, had a hand in this because they were utterly unable to grasp the concept of political power:

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34 Thoraval also detects a basic difference in historical speculation between Mou and a Hegelian philosophy of history. Furthermore, Mou was influenced by Qian Mu and Liu Yizhen. See Thoraval 2003, 20–21.

35 Mou 1991, 5–6, 9, 19.

36 Mou 1991, 20. According to Mou, building a powerful nation is not a matter of power as such, but reveals a "universal moral ideal" and concerns a "question of moral will at a higher level" (*ibid.*).

37 Mou 1991, 9–12.

“The former worthies, from beginning to end, have not been able to directly reflect on this contradiction [inherent in political power]. And because the political, historical and even cultural predicament was due to the very concept of political power being entangled in contradiction, they were also incapable of achieving a breakthrough. One must say that this was a shortcoming in the thought of the Confucians of the past. The formation and the solution to this problem have of course their historical conditions and are not pure problems of thought. [...] However, the Confucians utterly lacked this kind of conceptual speculation in the past. Xunzi had a greater ability to engage in conceptual speculation, but he was also not yet able to accomplish this and move away from the obligations moral principles impose. The later generations were also unable to continue this.”<sup>38</sup>

Since Confucian thinkers did not understand power as a concept marked by inner contradiction, they never conceived of a constitution as a means to address this contradiction. According to Mou Zongsan, only constitutional government would provide a formal guarantee for the transmission of power and thereby address its inherent claim to continuity.<sup>39</sup>

Mou Zongsan does note that former Confucians at times opposed those in power. But when they did, they only resorted to the so-called “inner sage” (*nei sheng* 內聖), meaning morality. They thus considered government, the “outer king”, as a *direct* extension of the inner sage, and thereby conflated politics with morality. Politics (including the outer king) was solely understood as a direct extension of morality. This exaltation of morality is seen as responsible for the irony of traditional Confucianism’s political history: The moral effort of Confucians in the sphere of politics inevitably produced results that ran counter to the moral goals of the inner sage. Mou Zongsan identifies this impediment to liberal democracy, and consequently to modernity, as the “crucial problem of Chinese culture and history”.<sup>40</sup>

There is a strong tendency in Mou Zongsan’s position to equate democracy with constitutional government, or with what he calls *zheng dao*. The term figures prominently in the title of his book and literally means the “track of government”.<sup>41</sup> What this somewhat obscure term actually means is a form of constitutional government resting on popular sovereignty (or sovereignty of the “nation”). Significantly, Mou also refers to *zheng dao* as the “constitutional track” (*xianfa guidao* 憲法軌道), or the rule of law.<sup>42</sup> He does not develop an elaborate theory of

38 Mou 1991, 9. Reading such passages, it is puzzling to encounter Jiang Qing’s critique of what he suspects as Mou Zongsan’s attempt to turn the whole field of politics into ethics (see chapter 1, section 3 in the Taiwanese edition of his book).

39 Mou 1991, 21–24.

40 Mou 1991, 23–24.

41 Mou 1991, 21, 23–24.

42 Mou 1991, 24.

democracy in *Zheng dao yu zhi dao*, but is content to remind his readers that liberal democracy is rooted in constitutional government and shaped by efforts to ensure freedom, equality, and human rights.<sup>43</sup> Accordingly, he uses the term “liberal democracy” (*ziyou minzhu* 自由民主) to mean the same thing as “constitutional democratic politics” (*lixian de minzhu zhengzhi* 立憲的民主政治).<sup>44</sup> Political democracy is the core element of what he calls the “new outer king” of modernity. Other elements of the new outer king which “should” be on the agenda of every “nation” are an open society and scientific progress.<sup>45</sup>

Mou Zongsan’s emphasis on the rule of law and on constitutional government as the core elements of democracy is paralleled by his refusal to equate traditional notions of the “people as foundation” (*min ben* 民本) and of “benevolent government” (*ren zheng* 仁政) with modern democracy. These two notions of good government bear the imprint of meritocratic thought. Mou Zongsan analyzes meritocratic ideas in pre-modern Confucianism, but not as “sprouts” of *political* democracy.<sup>46</sup>

Meritocracy is probably one of the most enduring features of Chinese political thought, and can be found in traditions far beyond what is commonly designated as Confucian. Its core is the idea of rule by able and worthy individuals, be they sage-kings or wise rulers and ministers. Meritocratic traditions can be detected in political thought, but they are also present in some of China’s most persistent imperial institutions, such as the examination system and the censorial system. In its paradigmatic form, meritocratic rule depends solely on the virtue, ability and personal authority of those who rule, and not on the means of power and coercion. Because virtue, ability and personal authority generate the voluntary obedience of subjects,<sup>47</sup> meritocratic rule derives its legitimacy from the claim it embodies the authority of

43 Mou 1991, 16 (introduction to the new edition).

44 Mou 1991, 1, 32.

45 Mou 1991, 15–16, 21 (introduction to the new edition).

46 As Mou Zongsan emphasizes, such meritocratic ideas of administration can also be found in Daoism and Legalism; Mou 1991, 25. According to Jin Yaoji (= Ambrose Y. C. King), *Min ben*-thought is as an exclusively Confucian tradition already extant in the *Shu jing* (*Wu zi zhi ge* 五子之歌) and leading up to Sun Yat-sen. Jin assumes the existence of democratic “sprouts” in *Min ben*-thought (“of the people”, “for the people”, but not “by the people”): Jin 1993, preface; Jin 1997, 172–173. Yang Qingqiu, on the other hand, sees *Min ben*-thought as bound to monarchy and therefore void of the notion of popular sovereignty: Yang 2005, 160–162, 165–168. *Min ben*-thought looms large in the present-day discourse of democracy in China; for a brief and critical review, see Cheng 2007, 87–88, 95.

47 The following highly selective references may hint at the persistence of this idea in different schools of thought and over a long period of time: *Lun yu* 12.19; *Mengzi* 2A.5, 7A.12; *Xunzi* 9.17, 9.19a; Lu Jia’s *Xin yu* (ch. 4 “wu wei” 無為); *Huai Nan Zi* (ch. 9 “Zhu shu xun” 主術訓); or the Neo-Confucian *Jin si lu* 8.4.

virtuous rulers, who are paragons, and their worthy and efficient civil servants. Rulers, ministers and civil servants earn their merit precisely because they are though able to perceive the common good, while most people are blinded by their selfish desires.<sup>48</sup> A meritocratic idea of legitimacy presumes the common good can be defined beforehand and then realized by benevolent rule. Against this background, the Western pluralistic concept of a common good taking shape *within* the concurrence of particularistic interests remained foreign to Chinese political thought up to the 20th century. The same is true for the pluralistic assumption that the common good can be perceived only after the fact.<sup>49</sup> China’s meritocratic tradition left no room for the liberal idea of legitimacy as resting on a common agreement over legal procedures instead of as the result of governance.<sup>50</sup>

Mou Zongsan was well aware of this. He portrays meritocratic thought as entangled in notions of a pre-existing common good, and consequently closely related to authoritarian rule that aims at a thorough, “voluntary” submission of subjects to virtuous, wise and worthy rulers.<sup>51</sup> It is noteworthy that he did assume modern China could draw from her meritocratic traditions to achieve administrative democracy, but not political democracy. The label Mou Zongsan thus used to denote what we might call meritocracy was not “political democracy”, but *administrative* democracy (lit. “democracy of administrative power”; *zhi quan zhi minzhu* 治權之民主), or *zhi dao* (治道, lit. the “track of administration”).<sup>52</sup> Since administrative power was, ideally speaking, “open” to competition resulting in “worthy men being selected and able men elevated”, Mou calls this meritocratic system administrative democracy.

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48 Some selective reference: *Lun yu* 12.22; *Mengzi* 1A.7; 2A.3, 2A.4; *Xunzi* 12.8a, 12.9, 23.3a; *Hanfeizi*, 1.5; *Guanzi* (ch. “Mu min” 牧民, on the “eleven precepts”); *Xin yu* (ch. 4 “wu wei”); *Huai Nan Zi* (ch. 9 “Zhu shu xun”); *Jin si lu* 8.5; Huang Zongxi’s *Ming yi dai fang lu* (chs. 1–5).

49 Fraenkel 1990, 300–301.

50 Recently, Yu Yingshi pointed out the contradictions between Chinese traditions of the “rule of virtue” and the notion of “rule of law” in Western liberal democratic conception. Confucianism should cease to be a “dominating political force” in a future liberal democracy in China, but could take the form of a “comprehensive doctrine” (obviously alluding to Rawls). Yu sees such a transition already in the making in Taiwan: Yü 1979, 208. A similar argument can be found in Jin 1997, 174–175.

51 Mou 1991, 26, 32.

52 Mou 1991, 10. Mou certainly knew that the terms *zheng quan* and *zhi quan* figured prominently in Sun Yat-sen’s *Three Principles of the People*, where *zheng quan* refers to suffrage, the referendum, the right to initiate legislation and the right to recall the government, and *zhi quan* refers to the five powers of government: legislative yuan, executive yuan, judiciary yuan, control yuan, and examination yuan. Sun 1924, 119.

Mou distinguishes the ultimate Confucian political ideal of “great unity” (*da tong* 大同), as embodied in the succession of Yao and Shun, from the second highest ideal, the “royal way” (*wang dao* 王道). The latter was equated with virtuous rule during the Three Dynasties and dominated Confucian political thought in imperial China, according to Mou. It stressed the ability of the ruler to implement a common good which consisted of the welfare of the subjects and the actualization of “upright virtue” (*zheng de* 正德).<sup>53</sup> As for imperial China, the Confucian ideal of “governing by virtue” (*de zhi* 德治) took the form of combining a “sage ruler” (*sheng jun* 聖君) with a “worthy chancellor” (*xian xiang* 賢相).<sup>54</sup>

Yet meritocracy was flawed. Although it reached its highest form in ancient China, it remained entangled in arbitrariness (of a “subjective” political form), since its workings depended exclusively on the willingness of the emperors to endorse it.<sup>55</sup> Since the emperor’s monopoly of decision-making power meant the entire imperial government underneath him was reduced to purely bureaucratic activities, Mou concludes that there was only “administration” (*lizhi* 吏治), but no “politics” (*zhengzhi* 政治) in traditional China.<sup>56</sup> Consequently, this “administrative democracy” remained encased in a system of “monarchic autocracy” (*junzhu zhuanzhi zhengzhi* 君主政治). Exercising moral influence on emperors, in the hope of encouraging their goodwill, thus remained a key part of the political endeavour of Confucians. A guarantee of “objectivity” which only a constitution could have provided would have been necessary.<sup>57</sup> If a transition to constitutional government would have taken place in traditional China, the notion of dynastic rule through the “mandate of Heaven” (*tian ming* 天命) would have dissolved as the metaphysical foundation of Chinese meritocracy.<sup>58</sup> In the process, a fundamentally different understanding of the sphere of politics would have taken shape in China well before 1911.

So if we follow Mou Zongsan’s argument, Confucianism was a *political* failure.<sup>59</sup> Therefore, modern Confucianism must find a new political form – a “new outer

53 Mou 1991, 27.

54 Mou 1991, 30. Here (22, 24) Mou quotes from the *Record of Rites* (*Li ji*, ch. “Li yun” 禮運).

55 Mou 1991, 25–26.

56 Mou 1991, 1. Mou repeated this analysis many years later in Mou 2002, 179.

57 Mou 1991, 11, 22, 24, 30, 32.

58 Mou 1991, 4.

59 Liu Guoqiang understands Mou as saying that ancient China lacked a clearly defined “concept of democracy”, but did know the “contents and meaning of democracy” (humaneness, governance by virtue): Liu 1979, 41. But Liu misses the point in Mou Zongsan’s assertion that conceptual thought did not exist in Chinese political philosophy. According to Liu, Mou understands “concept” solely in terms of contents and extension. But Mou’s “Hegelianized” notion suggests constitutional politics or the rule of law are not mere “forms” or “extensions” but need to be understood as stringent consequences (“objectifications”) of the concept of political power.

king” – and it can do so only if it can hold its Confucian past at a critical distance. This means liberal democracy as Confucianism’s new and modern political form cannot be justified by a traditionalistic approach. But this is only one side of the problem. The other side is the relationship between politics and Confucian ethics. Mou leaves little doubt that he believes Confucianism failed to realize its moral standards in the political world of pre-modern China, other than during the Golden Age of Yao and Shun – which he does not consider a historical reality. The consequence he draws is radical. In a modern China, politics and ethics must be separated from each other conceptually, as well as with respect to social and political institutions, or there will be no new outer king.

The conceptual separation of politics and ethics accords with the concept of modernity underlying the reconstruction of modern Confucianism itself. Modernity in this conception includes a differentiation of independent spheres of morality, politics, and science.<sup>60</sup> In the sphere of morality in a modern China, the tradition of Confucian moral philosophy could be an important asset and does not need to be abandoned or radically changed. Consequently, Mou Zongsan never speaks of a “new” inner sage, but just of an “inner sage”. Liberal democracy, then, is justified in terms of Confucianism precisely because it will guarantee a modern reconstruction of Confucian morality remains free of immediate political demands or ideological absorption. In turn, liberal democracy will not be considered a failure if it does not realize the full moral programme of “benevolent government”. It might even “enhance” and “embellish” traditional Confucian notions of administration and ethics. Mou remains vague on this point, but it is very likely that he understands modern Confucianism’s new outer king as a kind of political synthesis.<sup>61</sup>

## The justification of liberal democracy in Tang Junyi’s civil theology

Tang Junyi’ reflection on democracy remained focused on justifying democracy in terms of Confucianism. He did not develop a full-scale theory of democracy that dealt in-depth with questions of political justice, legitimacy, or sovereignty. His notion of liberal democracy does not differ significantly from Mou Zongsan’s insofar as Tang similarly highlights constitutional aspects and the rule of law in his theory of the modern state. Like Mou Zongsan, Tang Junyi leaves no doubt that the politi-

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60 See the manifesto of 1958: Zhang, Tang, Xu and Mou 1958, 32–33, 35–36. The importance Mou Zongsan attaches to differentiating politics and morality can be seen in his conceptual distinction between political, moral and religious virtue: Mou 1991, 1–2. As for Tang Junyi, he conceives of an “ideal” social organisation reflecting the plurality of the humanistic community, and thus separating political, economic, aesthetic, scientific and religious spheres: Tang 1955, 385.

61 Mou 1991, 32.

cal tradition of Confucianism failed to produce the fundamentals of constitutional government and the rule of law. Before 1911, “[t]he humanistic spirit of China’s past contained a democratic spirit, but there were no institutions of democratic politics in the Western style.”<sup>62</sup>

It is the “Confucian spirit” which Tang identifies as an intellectual resource of democracy in China. It is manifest in the great importance which Confucianism places on the personality of individuals.<sup>63</sup> But this Chinese “spirit” of democracy was present only in the “moral spirit” of Confucianism, and thus in a “hidden” form. There was no self-awareness of the Chinese people as political subjects, meaning no awareness of being entitled to claim political rights:<sup>64</sup>

“I say that Confucian thought contains the highest democratic spirit, because [Confucian thought] believes in the highest sense that every human being can become a sage and join Heaven in virtue. Now people may ask: Why didn’t Confucians talk about Western style democratic politics...? [...] My answer is: Originally, Confucians took politics just as a direct extension of morality, politics was [thought of as an] occasion for the direct realization of human moral consciousness.”<sup>65</sup>

So Tang leaves no doubt that the reason for this shortcoming has to do with Confucianism itself, although not solely with Confucianism, since he also takes historical and sociological aspects such as the size of China’s population and territory into account.<sup>66</sup> This point will not be elaborated here.<sup>67</sup>

A critique of traditional Confucianism is fundamental to Tang Junyi, and the concept of power plays an important role in this critical reassessment, much as with Mou. Yet Tang Junyi’s critique focuses on a different aspect:

“What makes democratic politics a necessity is indeed that human beings have a political consciousness stemming not only directly from [their] moral consciousness, but also from a drive for power. This means a government of sage-kings or Plato’s philosophers can almost certainly not appear in reality. If such [government] would [actually] appear, it would not be able to objectively guarantee its continuation.”<sup>68</sup>

62 Tang 1955, 420.

63 Tang 1955, 416, also cf. p. 413.

64 Tang 1955, 420.

65 Tang 1955, 419; also cf. 422.

66 Tang 1955, 420

67 The manifesto of 1958 refers to historical contingency, see Zhang, Tang, Xu and Mou 1958, 43.

68 Tang 1955, 394–395. Since this political anthropology is fundamental to Tang’s political philosophy, He Xinquan’s critique that Tang insufficiently clearly separated politics from ethics is unjustified; see He 1996, 128–129.

As he pointedly concludes, the source of democracy is not “perfectly holy” – and takes issue with any political philosophy founded on an excessively optimistic belief in human goodness.<sup>69</sup>

In particular, Tang is concerned with the inability in earlier Confucianism to reach an adequate understanding of the lust for power that is deeply rooted in human nature. Tang’s argument runs as follows. Since pre-modern Confucian philosophers failed to develop an adequate political anthropology, they held to a false or overly optimistic belief in the potential of individual character-building and education. They thought this would be sufficient to overcome, or at least contain, the human lust for power. They did not recognize, in other words, how deeply rooted this lust is in human nature and thus settled for a political philosophy that treated political power in terms of educational efforts directed at individuals, including the ruler, who were willing to cultivate their moral natures.<sup>70</sup>

Yet according to Tang, democratic features like the rule of law or public elections are intellectually based on the idea that individuals are universally entitled to claim rights for themselves:

“The spiritual foundation of early modern Western rule of law and government by the people consists in the universal recognition of the rights of the people. This establishing of a principle of reason in recognizing everyone’s rights can be said to originally come from each individual affirming and grasping their own rights, which [in turn] stems from men’s selfish desires. Yet, each individual’s affirmation of their own rights [in turn leads to a situation where] the rights of all individuals constrain one another. From this, men attain the notion of transcending their individual rights and recognizing the rights of others. Thus, there is the establishment of the reasonable principle that the rights of all men should be recognized. [...] By establishing this principle of reason ... everyone can observe the guidance this principle [provides] and become aware of one’s own reasonable self as it transcends one’s striving for rights, further nourishes and expands one’s moral will and completes one’s moral personality through self-awareness. [...] Only then may China’s past ideals of government by virtue, government by [upright] men, and government by morals be truly realized.”<sup>71</sup>

In other words, the contemporary realization of the ideal of government by virtue will rest upon a much less optimistic view of human nature. It will thus make room for the political institutions of liberal democracy which were inconceivable for Confucians of the pre-Qin and imperial centuries.

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69 He 1996, 396–397.

70 Tang 1955, 395–396, 422.

71 Tang 1958, 289–290.

Since Tang Junyi considers liberal democracy *in toto* as modern Confucianism's authentic political form, he needs to explain how constitutional government and the rule of law can be understood in terms of Confucianism. It is not enough to understand it as "Western" additions, mere formalities added on to a Confucian ethical substance. Neither Tang Junyi's nor Mou Zongsan's concept of democracy is based on such simplistic notions. Yet since neither falls back on 19th century *Ti-yong*-thought, they must instead identify a coherence between democratic institutions, as shaped by political history, and intellectual resources, as they are related to Confucianism.

Tang develops a concept of rights that is similar to Hegel's, accordingly accepting that there is no real freedom in a community that does not know of the subjective rights of individuals. In Tang's view, China's political systems in the past were characterized by an ethos and a strong tendency to subdue the subjectivity of the individual.<sup>72</sup> Tang's critical review of Confucian traditions is not abetted by his own system of the philosophy of law, nor does he even set out to criticize Western philosophies of law, let alone try to improve on them by synthesizing Western and Eastern ideas. The notion that the system of law is an institutional precondition for the existence of morals in the realm of the state, which is of great importance to Hegel, is simply implied by Tang and not discussed in detail.<sup>73</sup> He anticipates it by using a hypothetical Chinese present that is characterized by the rule of law and constitutional government. His texts thus lead to an impression he is writing about an extant liberal democracy in China.

What is crucial in his modern Confucianism is whether, or possibly how, a political renewal of traditional, mostly Confucian, ideas and practice should be undertaken, given that the rule of law and constitutional liberties of the individual must not be endangered by these ideas and practices. Starting from this point, Tang attempts to interpret tolerance and solidarity as "liberties" indispensable for guaranteeing constitutional liberties in a political sense. These liberties cannot be safeguarded if one relies solely on the power of law; individual liberties would be far too fragile in a political reality where citizens would respect them solely out of individual interest or due to the power of law. What is necessary is a degree of *voluntary* obedience in the form of a willingness to respect the constitutional rights of others – in other words, the "liberties" of tolerance and solidarity have to be realized within the political community. Therefore, what is necessary is a habitual, as well as culturally and morally stabilized, willingness of individuals to comply with the constitutionally guaranteed individual rights of others. The process of forming

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72 Tang 1958, 609. Tang denotes morals in the pre-modern meaning of ethos as *fengsu xiguan* 風俗習慣; see e.g. 601.

73 On Hegel see Ritter 2003, 309.

law-abiding habits among the citizenry is put in place by the workings of the rule of law which makes it “increasingly unlikely” that people will indulge, without restraint, in striving for power.<sup>74</sup> As this foundation alone is not strong enough, the rule of law and a constitutional guarantee of individual rights require “moral refinement and cultivation” (*daode xiu yang* 道德修養).<sup>75</sup>

Tang cites “law” (*fa* 法) and “rites” (*li* 禮), two traditional terms, in the context of a renewed notion of Confucian morals. He infuses them with new meaning to flesh out the idea that a community’s ethical and cultural contexts (its “cultural life”) can never find full expression in an universal and abstract “legal consciousness” (*fa yishi* 法意識). To fill out this “legal consciousness”, a “consciousness of rites” (*li zhi yishi* 禮之意識), meaning a moral disposition, must be generated.

Yet this cannot be done by the institutions of the rule of law,<sup>76</sup> so Tang does not see the entire system of law, including the rule of law itself, as a set of institutions of unchanging, universal character. Instead, the “law” (*fa*) to him is made of notions shaped by particular social and cultural contexts. The system of “law” cannot be detached from the community morals but should instead be seen as an instrument related to them. Tang understands the idea of morals and moral disposition in a modern, Hegelian sense as something which does not submit the moral subjectivity of individuals to the rule of an overwhelming tradition or ethos. Quite to the opposite: the ethical contexts of the community must stand the test of moral subjectivity and need not be accepted blindly. The “consciousness of rites” is therefore as much the result of the subjective morality of individuals as it is of morals and traditions existing in a community; they build the context of communal life in which individuals seek their self-realization.<sup>77</sup> One important conclusion that Tang draws here is that though Western institutions and ideas may be implemented in a modern China, they need to stand the test of a full justification in terms of indigenous philosophy as well as cultural, political and social traditions.

Tang Junyi’s approach leads him to relate democratic constitutional government and the rule of law to human nature as seen in the religious-metaphysical anthropology of modern Confucianism. The democratic organization of political life allows individual members of the community to engage in moral and spiritual self-fulfilment with the goal of becoming a sage, and do so without risking their own survival in the political community along the way. At the same time, the striving of individuals to attain political power is not entirely curbed in a liberal democracy nor is their pursuit of individual self-interest. It is therefore much easier in such a

74 Tang 1955, 396.

75 Tang 1958, 612.

76 Tang 1958, 614.

77 Tang 1958, 614. There are obvious similarities between modern Confucianism and Western traditions of republican thought or communitarian versions of political liberalism.

context for individuals to give expression to their natural endowments; they can learn to judge for themselves whether these are morally questionable or not.<sup>78</sup>

Moral and spiritual self-fulfilment, and thus the authentic selfhood of the individual, is what Tang understands by “freedom”. This notion seems to hark back to Greek thought, but Tang himself explicitly follows a Confucian tradition of identifying freedom as the freedom to build one’s personality and character and thereby attain the “true self” of an ethical person. Although the modern Chinese term for freedom, *ziyou* 自由, was unknown to pre-modern Confucianism, Tang lists expressions like “pursuing the perfection of one’s personality” (*qiu renge de wanman* 求人格的完滿), “self-fulfilment” (*zi cheng* 自成) or “self-pursuit” (*zi qiu* 自求) as identical in meaning.<sup>79</sup> So Tang in essence understands liberal democracy as the political form of freedom, and as indispensable for a comprehensive realization of freedom by an individual within a community. Liberal democracy has to be understood, therefore, as an institutional and procedural precondition, and at the same time as an ongoing political and ethical context for personal self-cultivation.

Tang Junyi thereby abandons the older notion of good government as depending on the virtuous quality and superior personality of the rulers. Liberal democracy in Tang’s view, can work even if those in power are not virtuous, self-cultivated individuals. Citizens need neither qualify themselves by becoming moral beings nor manifest their goodwill by engaging in self-cultivation and education:

“Therefore, the rule of law and democratic institutions are also [a way of] cultivating and nourishing ordinary people so that they are endowed with the self-awareness of the universal reasonable self. From this, it is already sufficient if ordinary people do not overstep the limits set by the law in their affirmation and grasp of their own rights and in [their] struggle for rights with other people – [in this, they] cannot make a grave mistake either. [...] But the philosophers of China’s past did not yet thoroughly understand this.”<sup>80</sup>

If citizens do not behave morally, it does not mean democracy is failing or unjustified. Modern Confucianism should not justify political authoritarianism in the guise of pursuing lofty ideals of moral and spiritual education with seemingly still immature Chinese citizens.

Tang Junyi was certainly well aware of the political use the authoritarian GMD regime in Taiwan was making of Confucianism. The progress being made by this government towards “democratic, constitutional politics” as well as its democratic

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78 Tang 1955, 394–395, 398. On the meaning of politics in relation to anthropological-metaphysical assumptions of the original nature of human beings, see Tang, 417.

79 Tang 1955, 378; see also 346. For a more detailed discussion of Tang’s concept of freedom, see Fröhlich 2010.

80 Tang 1958, 291.

convictions were “questionable”, and marked only a “beginning”.<sup>81</sup> Tang’s break with the GMD’s approach to Confucianism is evident in his assumption that democratic government needs neither morally superior sage-rulers nor model citizens (i.e. exemplary, virtuous personalities). If politicians and citizens behave like morally advanced individuals, democracy will flourish, but it can also function if they are not morally superior persons. Although Tang does not explicitly refer to him, Kant’s distinction between a good, law-abiding citizen and a morally good individual would certainly apply here. The result of Tang’s view is to sideline the morally superior sage-ruler – which is an unusual move and perhaps even unprecedented in the Confucian political tradition. Tang does not support the conflating of politics and ethics, which he sees as ever-present in the Confucian tradition, and in this sense his reconstruction of Confucianism is distinctly modern.

Tang, in his Confucian justification of liberal democracy, abandons the idea that sage-rulers or sage citizens are preconditions for a functioning democracy. Rather, he conceives of a democratic political community as a context for an individual to “pursue the perfection of [their] personality”, and therein lies freedom. This “self-fulfilment of the self” that an individual may pursue is an integral part of Tang’s metaphysical-religious anthropology, which in turn is what gives a specific “Confucian” quality to his justification of liberal democracy.

“Self-fulfilment” is related to the Confucian belief in the human potential for attaining a state of mind in which the realization of “Heaven” takes place. This is the moral intuition of the sage, and in that intuition, the absolute shines its light into the mind of the individual and thereby manifests and realizes itself. But the self-realization of the individual that comes as intuition cannot reach or be a permanent state. Consequently, an enduring, morally perfect human community cannot be attained and historical reality not be turned into an earthly paradise. Human communities might at best provide the individuals living in them with differing moral contexts that help guide them toward realizing their innate potential to attain intuitive moral insights (*liang zhi*).

The mind of *liang zhi* is the mind of the sage. By and large, Tang sets out from the notion of the sage as found in Mencius or Wang Yangming. The goal of self-cultivation, namely to reach the level of the sage, is to attain immediate, intuitive insight into the absolute – or, rather, to have the absolute “shine” into the human mind. Tang takes up two metaphors of light (eyesight and sunlight) from Wang Yangming’s *Records of Teachings and Practice* (*Chuan xi lu*) and interprets them as convey-

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81 Tang 1957, 175–177. During a trip to Taiwan in August 1956, Tang hints tellingly at the authoritarianism of the GMD in a letter to his wife Xie Tingguang 謝廷光, noting that politics in Taiwan were not as progressive as industry, agriculture or the military. See Tang 1983, 315.

ing the notion of “Heaven” manifesting itself by shining into the human mind.<sup>82</sup> Intuitive knowing (*liang zhi*) streams into the mind, not as pure contemplation but as seeing as well as “taking place” (*shi* 事).<sup>83</sup> “Heaven” itself is present in the light of this intuition, as much as the sun is present in the light radiating from it, and thus fulfils itself by shining into the human mind. Intuition is not only an insight gained by the human mind but also “the self-illumination and self-consciousness of the principles of Heaven” (*tian li zhi zhao ming ling jue* 天理之照明靈覺).<sup>84</sup>

Paradoxical as it may sound, if we accept this notion of the sage, we must also conclude that while *becoming* a sage is a matter of self-cultivation, *being* and *behaving as* a sage is not. The self-fulfillment attained in the sage’s intuitive perception of moral truth, human nature and “Heaven” is completely detached from any use of language or discursive reasoning, since *liang zhi* is not a matter of symbolic representation. The sage is, so to speak, neither a cultivated nor an educated person. Tang Junyi leaves no doubt that there is a gap between the self-cultivation of an individual and self-fulfillment as a sage. Being a sage is fundamentally different from the many exercises in self-cultivation – the sphere of the sage is, in an ontological sense, a “realm” of its own:

“The final realm of the way of learning [to become] a sage and a worthy person is attained without effort and reached without thinking.”<sup>85</sup>

“One who achieves the full development of his moral life or the realization of the essence of his moral nature (*jen*) is called a sage in Confucianism. In the sage mind, there is no borderline of differentiation between the fully developed mind and the universe, and this kind of mind can be taken as both originated from the sage-man and revealed from Heaven. [...] The idea of ‘universal attainability of [being a] sage’ itself may be taken as a metaphysical belief, since no empirical verification in the ordinary sense can be found.”<sup>86</sup>

It is this gap, between the self-cultivation of *becoming* a sage and the sublime state of *being* a sage, that led Tang, unlike Mencius and Wang Yangming, to identify the assumption that human beings had a natural potential to reach the level of the sage as religious belief. The notion of an *intuitive realization of the absolute* is a matter of “faith”.<sup>87</sup>

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82 Tang 1970, 189, 194. Tang refers to an edition of the *Chuan xi lu* from 1917 (Shanghai) which I could not locate. I suppose that *Chuan xi lu* 3.282 was among the passages he analyzed.

83 Tang 1955, 380.

84 Tang 1970, 188.

85 Tang 1955, 380.

86 Tang 1979, 33.

87 Tang 1955, 416, 418; also Zhang, Tang, Xu and Mou 1958, 19–21.

This is a crucial turn in Tang Junyi’s brand of modern Confucianism, as he ascribes it to a metaphysical-religious anthropology and thus provides a quasi-theological foundation for his political philosophy. Although what he calls “faith” is neither embedded in a comprehensive theological system (of dogmatic statements) nor represented socially (by institutions of a church, a state cult or clergy), it is nevertheless the ground upon which Tang rests his political philosophy. One can call it Tang’s – or modern Confucianism’s – “civil theology.” Apart from its lack of clerical institutions, other aspects set this “civil theology” off from similar Western concepts, either ancient or modern<sup>88</sup> Obviously, Confucianism’s civil theology is not religious belief based on some sort of divine revelation, the characteristic trope in German political theology from Carl Schmitt to the so-called new political theology. Still more, modern Confucianism’s civil theology is not just set apart from political theologies based on Christianity, Judaism or Islam, it is also different from China’s imperial civil theology, in that it does not function to vindicate an existing political system (such as an imperial state).<sup>89</sup>

The opposite is true inasmuch as it delegitimizes Chinese political regimes (both on the Mainland and on the island of Taiwan), while justifying a future political form (i.e., liberal democracy) for China that can only be observed and critically evaluated in Western countries. Modern Confucian civil theology does concur with contemporary Western forms of political theology in its basic acceptance of two major shifts in the Western history of political thought: a notion of political reason which allows room for the separation of politics and ethics/religion, and an acceptance of the progressive secularization of modern societies, which has strong repercussions in politics and law.<sup>90</sup> Tang’s version sets itself apart from imperial China’s civil theology by emphatically approving the introduction of modern rights and its accompanying institutions based on the rule of law. The basic political and social inventions of modernity are accepted, but not without scepticism expressed about what appear to be concurrent effects of excessive individualism, as it endangers the cultural basis for the rights of freedom. Another note of caution is raised with respect to the rampant impact of positivism and materialistic philosophy on society, seen as pushing modern man into a spiritual void.<sup>91</sup> Confucianism in its modern form, as civil theology, must therefore establish a new foundation for the spiritual and moral orientation of individuals in a liberal democracy.

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88 A brief overview of the conceptual development of civil theology can be found in Wacker and Manemann 2008. In current usage, “civil theology” and “political theology” have become interchangeable, especially once “political theology” lost the negative meaning it had acquired in the 19th century.

89 For an analysis of early imperial Chinese civil theology and its pre-imperial roots, see Weber-Schäfer 1968.

90 For the Western perspective, see Kleger and Müller 1986a, 241.

91 See Tang 1965.

The paradigmatic figure of the sage plays an important role justifying liberal democracy, but not in the sense of a real or historical political agent. It is not necessary to have a real sage appear in democratic politics, though that expectation might have been characteristic in the political tradition of Confucianism. It is cast aside in Tang Junyi's vision, so he thereby avoids the pitfalls of an authoritarianism based on a political (or politicized) Confucianism. Instead, the notion of the sage is now a limit-concept of Tang's civil theology, and the point of reference for justifying liberal democracy. It provides an opportunity to reflect on the necessary conditions for members of a political community to engage in personal self-cultivation to *become* a sage. Figuratively speaking, sages are neither within the political community (as benevolent and wise rulers would be), nor above it (like gods), nor completely outside it (as mere constructs of the human mind would be). Rather, they stand at its boundaries, always in view, but do not directly intervene. Sages may be revered in rituals, together with ancestors and worthies, yet they remain paradigmatic figures of an "ideal humanistic world" which is in reach of human history, at least in principle.<sup>92</sup> For this reason, Tang inscribes his notion of the sage onto the "spirit of practice" of Chinese philosophy, contrasting it to what he perceives as most Western philosophy.<sup>93</sup> Thus, democratic institutions, norms, values and practices can be considered acceptable inasmuch as they are interpreted as a political environment in which an individual can make an effort at self-cultivation.

Tang Junyi's conception of modern Confucianism as a type of religious humanism might indeed be understood as a form of civil religion which embeds liberal democracy within it. Confucians, he points out, may even believe in other religions, since this might enhance their personal cultivation:

"A man with moral sincerity can rise above the frontier of particular knowledge to attain an exalted and intimate realization of the origin of the universe and human life, whether he lives and behaves according to Confucianism, Taoism, or Buddhism, or solely engages himself in reflecting on his personal status amid human communities and history."<sup>94</sup>

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92 On the ritualistic worship of the sages, see Tang 1957, 376. While the sages were considered as "descending from Heaven" during the Han dynasty, the Neo-Confucians shared the "belief" that the way of becoming a sage could be studied by mortal beings. Neither the sages themselves nor their virtue were understood as being produced solely by "Heaven", for the "power" of men was needed as well. See Tang 1958, 522 and Tang 1957, 25–26. On the sage in an ideal humanistic world, see Tang 1955, 63.

93 Tang 1955, 469.

94 Tang 1988a, 425. See also Tang 1957, 369. For Tang's notion of civil religion, see Fröhlich 2006a.

## Limits of a Confucian justification of liberal democracy

Tang Junyi’s modern Confucianism cannot be detached from its metaphysical-religious backdrop, and the same can be said of Mou Zongsan. Yet it is precisely from such metaphysical-religious assumptions that they draw their key ideas about the relationship between individual, community, society and state. The civil-theological limit-concept of selfhood as a sage serves Tang, and allows him to establish a critical distance from political life and avoid the danger of simply reaffirming political reality as it is. The other side of the coin is that what the sage perceives as “true”, “authentic” or “correct”, is done within himself and without reasoning with other human beings. The sage is not a democratic figure, nor could he accept a political compromise. He would not submit to rule by majority or to the idea that decisions are democratically valid not because they are correct but because the procedures of decision-making are a matter of agreement about that process beforehand. A community populated only by sages would lose its political character altogether, and there would be no negotiating, no use of political power, and not even communication. There would just be complete unity of perception and behaviour. This vision transcends, obviously, the realm of liberal democracy in a radical sense.

Neither Tang Junyi nor Mou Zongsan expected such a community could ever become historical reality. The community of sages is “real” only insofar as it is part of the civil-theological justification of democracy. It is neither the highest ideal of democracy itself nor its ultimate historical form. In spite of this limitation, the justification of democracy in terms of this limit-concept poses two problems in particular:

(1) The persuasiveness of arguments in favour of liberal democracy rests on the religious-metaphysical assumptions of modern Confucianism’s civil theology. That means a shared belief and social acceptance of Confucianism as a form of religious humanism (civil religion) is crucial to the justification. That does not necessarily mean religious freedom would be endangered, since one might argue that not everyone has to share Confucian convictions for democracy to work, just the majority. Plus, modern Confucian religious humanism can, according to Tang, tolerate other forms of religion too. But if we understand modernity today in post-metaphysical terms, things look different. Even if Confucianism could or would develop into a civil religion – a highly problematic and questionable prospect – what would happen if Confucianism (as religious humanism) gradually lost its appeal as social modernization progressed? Is there some underlying rationale for dealing with a plurality of justifications? Or for even negating liberal democracy? And would that rationale have to be justified in terms of Confucianism?

(2) The modern Confucian justification paradoxically points towards the complete dissolution of democracy. After all, there is an implicit tendency to portray democracy both as a precondition or a context and as a means to the (apolitical) higher end of self-fulfilment as a sage. The problem is not so much that democracy is seen as a means, since this is asserted in other political theories, including Western theories, without undermining the existence of democracy. The problem is that Tang Junyi and Mou Zongsan assume that the end to which democracy shall lead (i.e. the sphere of the sage) is settled beyond the sphere of politics – so democracy as means is not just optional, but accidental.

Consider the rationality of the procedures of democratic decision-making in terms of Confucianism. In the course of discussing political issues, in the framework of democratic rules, participants following those rules identify themselves not just as citizens or politicians who accept procedural agreements of democratic decision-making. They also represent themselves as human beings who have not yet attained the level of the sage, and are thus in need of further self-cultivation. There would be no discussion at all otherwise. From a Confucian point of view, participating in a democratic debate, and in so doing respecting the opinions of others, is conducive to one's self-cultivation; starting a fistfight is not. But how does one know that this is true? It is a matter of *belief* that abiding by democratic rules and having a democratic attitude could be conducive to attaining the intuitive insights of a sage. The same could be said of any form or technique of self-cultivation. If one does not share this belief, the civil-theological justification of liberal democracy, as propounded in Tang Junyi's modern Confucianism, loses its appeal.

The crucial question in the end is what function this justification has relative to the workings of a liberal democracy. If it is considered fundamental, in the sense that democracy can only work if everyone, or at least a majority, shares these Confucian convictions, then the old trap of authoritarianism is set again. This is not what Tang Junyi and Mou Zongsan have in mind. They clearly state the priority a constitution and the rule of law must have over continuing the *political* traditions of Confucianism.

Modern Confucianism would thus be one among many other intellectual or religious resources for reproducing civic virtues and democratic convictions among the citizens. In that sense, this is a communitarian approach. Reading Tang Junyi and Mou Zongsan, though, one cannot help but feel that what they actually wanted was a far more prominent role for Confucianism. At the same time, at least to the mid-1960s, they resisted the lure of Confucian authoritarianism. It is no contradiction that they were simultaneously both ardent cultural conservatives and "political liberals". Their cultural conservatism was a kind of outlet for their high expectations of Confucianism. They had to trim those expectations in order to fulfil what they perceived a democratic modern China required.

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