

Strange bedfellows: Legitimacy, the Chinese Communist Party and Confucius.

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Abstract

Chinese society has been ideologically confused since the demise of institutional Confucianism at the fall of the last imperial dynasty. The Chinese state's long search for a viable legitimation scheme in its long march towards modernity seems to be continuing, with the latest episode of this search being labelled by some academics as a Confucian turn by the ruling Communist Party of China (CPC). The conception of legitimacy used in the debate, however, is unclear, and the strand of Confucianism being invoked and the way that this is being used are also rarely discussed in the literature.

This thesis devises a normative legitimacy framework drawing on the ideas of Bernard Williams and Jurgen Habermas to examine the legitimacy of the CPC as an original contribution to the debate on the legitimacy of the Chinese state. An analysis of the Chinese elite discourse with reference to Confucianism is conducted to determine the nature of the turn, and forms this thesis's original contribution to the debate on the Confucian turn and the legitimation efforts of the CPC. It is found that the CPC has legitimacy deficits. The strand of Confucianism being invoked is likely to be folk Confucianism, and the Confucian turn is based on a nationalistic drive with Confucius and Confucianism being used as symbols of Chinese identity.

The thesis also conceptualises a Confucian democracy based solely on canonical Confucian texts as a viable alternative to liberalism suitable for the legitimisation of a modern Chinese state. This contributes to the search for an appropriate ideological base for the legitimisation of the Chinese state in its long transition to modernity. So, while the CPC and Confucianism are strange bedfellows in the context of legitimacy, Confucianism and the legitimacy of a modern Chinese state can be natural soulmates.

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List of Illustrative Materials

1./ Photo of the graphical declaration of loyalty from CCTV during Xi's visit in 2016. Page 145.

Abbreviations

BLD: Basic Legitimation Demand.

CCTV: Chinese Central Television.

CDIC: Central Discipline Inspection Commission

CPC: Communist Party of China.

CPPCC: Chinese People's Political Consultative Conference.

CT: Critical Theory.

KMT: Kuomintang (Chinese Nationalist Party).

NPC: National People's Congress.

PLA: People's Liberation Army

PRC: People's Republic of China.

VPN: Virtual Private Network.

Notes on the Use of Language

1/ Romanisation of Chinese Text:

The Romanisation of Chinese texts will be kept to original wherever possible. That is, where cited sources contain romanised Chinese texts, this is the style that will be used. Where Chinese texts have not been Romanised, the *pinyin* system of Romanisation will be used. The exceptions are for commonly accepted proper nouns. One example of this is 北京大学, which is still known as Peking University and not by its *pinyin* Romanisation of Beijing University. Another example would be 香港, which would be Romanised as Hong Kong rather than Xianggang.

Names of authors would also be Romanised using the pinyin system where they have not already been Romanised in the cited sources. The exception would be authors in Hong Kong writing in the traditional Chinese script. For example, 陳 would be Romanised as ‘Chan’, and 吳 as ‘Ng’ as commonly used in Hong Kong Cantonese transliteration, rather than the *putonghua pinyin* of ‘Chen’ and ‘Wu’.

2/ Chinese authors’ names in in-text citations.

This thesis will use the Chinese convention of placing the family name first in any in-text citations. Therefore, ‘Ng Wai Kong’ will be used rather than the British style of ‘Wai Kong Ng’. Chinese author who uses Western first names, such as ‘Nick Ng’, however, shall be cited using the British convention.

3/ Traditional and Simplified Chinese Scripts:

The thesis will use the script of the cited sources. In all other cases, the traditional Chinese script will be used as the author is more proficient in traditional Chinese.

Chapter 1: Introduction

This thesis is a study on the use of Confucianism by the Communist Party of China (CPC) to support its claims of political legitimacy, and the relevance of Confucianism as the basis of a legitimisation scheme in a modern Chinese state. The research revolves around the central issue of the failure of successive Chinese ruling orders to find a viable ideological alternative for the legitimisation of a modern Chinese state since the demise of Confucianism after the fall of the Qing empire. This introductory chapter will lay out the outline of the thesis in its examination of the present Chinese state's turn towards Confucianism in its legitimisation efforts as Marxist values become increasingly irrelevant as a result of the market liberalisation reforms.

The first part of this chapter will discuss the context of the research and identify gaps in the literature regarding which concepts of legitimacy should be used to examine the legitimacy of the CPC, the nature of the Confucian turn and whether Confucianism can serve as the ideological basis for the legitimisation of a modern Chinese state. Research questions will be formulated based on these gaps. The second and third parts of the chapter will outline the original contributions by the addressing of the gaps identified and the approach that will be taken to answer the research questions. The final part of the chapter will lay out the structure of the thesis with a brief description of the different chapters of this thesis.

1.1/ Research Context.

Confucianism has been the dominant social and political philosophy in China for much of the imperial era and was used to legitimise the Chinese state during this period. The incursion of Western powers into the Qing empire during the mid-19th century, however, led to challenges

to the hegemonic status of Confucianism in the Chinese state, and raised questions on the relevance of Confucianism for the legitimation of a modern Chinese state. This reached a crescendo during the May 4th movement during the late 1910s, which called for the total refutation of Confucianism (Starr 2009, p.68; Wang 2005, p.308). Events since the fall of the Qing empire, however, strongly suggest that an ideologically confused Chinese society has yet to find a viable alternative to Confucianism for the legitimation of a modern Chinese state. This is supported by the fact that whenever a Chinese ruling order finds itself facing issues of legitimacy, Confucius and Confucianism are invited back into the legitimacy discourse. An example of this is the Nationalist *Kuomintang* (KMT) government invoking Confucianism in its legitimation efforts during the 1930s and 1940s (Fukamachi 2010).

The current CPC regime is facing problems in its claims of legitimacy based on Marxism given the increasing irrelevance of Marxist values and practices in the daily lives of the Chinese populace. The transformation of the Chinese social and economic structures since 1978 when the reforms began has meant that Marxist-Leninist ideology may have lost the ability to motivate the Chinese people to accept the rule of the CPC (Holbig and Gilley 2010; Schubert 2007; Guo 2003). Daniel Bell (2008, p.8) notes that misuses of Marxism-Leninism have discredited the ideology to such an extent that it no longer confers any legitimacy within Chinese society. Indeed, Zhao Ziyang, the deposed former General Secretary of the CPC, stated that a market-orientated system under the leadership of a Leninist party has led to a sense of identity crisis within the rank and file of the party and in wider Chinese society (cited in Pei 2008, p.8). If, as Bernard Williams (2005, pp.94-95) claims, the legitimacy of a ruling order depends on the people making sense of the legitimation stories being told, then it is probably beyond dispute that Marxism-Leninism is no longer a suitable ideology for the legitimation of the CPC.

1.1.1/ The Confucian Turn.

It is clear that the Party has turned towards Confucianism as part of its legitimation efforts. Confucianism is once again prominent in the official discourse after decades of suppression, and speeches by CPC leaders have embraced Confucian values as treasured cultural heritages that have a place in the rejuvenation of the Chinese nation (for example, Xi 2020a; Xi 2019). There also seems to be a consensus that the CPC has performed some form of Confucian turn (Deng and Smith 2018; Jiang 2018; Li 2017; Ford 2015; Lahtinen 2015; Lien and Oh 2014; Zhang 2014; Cheung 2012; Bell 2010; Yu 2008; Sole-Farras 2008; Bell 2008; Bell 2007; Hu 2007; Cha 2003; De Bary 1995).

Ady Van den Stock describes the CPC's Confucian turn as '[T]he dustbins are now looked upon as treasuries, the garbage men and the gravediggers have taken to recycling and effecting miraculous resurrections' (Van den Stock 2014, p. 44). The recycling of what was once considered the 'remnants of feudal poison' (封建遺毒) from 'old society' (舊社會) into treasured Chinese cultural heritage as part of the legitimation effort by the Party is a telling indictment of Marxism's inability to legitimise the rule of the Party in a society operating under increasingly capitalistic economic practices and values. This latest turn towards the use of Confucianism as part of the Party's legitimation efforts is also a strong indication that the ideological confusion within Chinese society is still on-going. The attempt to bring Confucius, who lived during Spring and Autumn period (551-479 BCE), back to the altar after decades of denouncing the mythical sage and his philosophy can be seen as the latest chapter in China's search for a viable ideological basis for the legitimisation of a modern Chinese state in its long transition to modernity.

The legacy of the liberation, from which the Party asserts its right to rule, however, means that the Party cannot disown Marxist values without damaging this claim. The Party attempts to overcome this impasse by adding the suffix ‘with Chinese characteristics’ to socialism, which in its latest guise is the ‘Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era’. This seems to be another recycling of another old concept, that of the late Qing’s idea of *ti-yong* 體用. This recycling of another old idea from the Qing imperial era would add support to the argument that the Chinese state is still searching for a viable legitimacy ideology given the diminishing relevance of Marxism in Chinese societal practices.

There appears to be two significant gaps in the literature regarding the legitimacy of the Party and its use of Confucianism. The first is that the term ‘legitimacy’ is often used without context, and Allen Buchanan points out that it is often not known whether the term is being used in a descriptive or normative context (Buchanan 2002, p.689). Daniel Bell, for example, uses the term without any clarification when he states that the misuse of Marxism-Leninism has led to it being discredited and no longer confers any legitimacy (Bell 2008, p.8). Although other authors have commented that Marxist values may have lost their ability to motivate the people to accept the rule of the Party since the reforms (Holbig and Gilley 2010; Schubert 2007; Guo 2003), thus implying that political legitimacy is connected with the people’s acceptance of the rulers, how this acceptance is acquired is not often discussed. Without a clear definition of what constitutes political legitimacy, the debate on the Party’s legitimacy and its legitimization efforts would lack focus. The second is that although there seems to be a consensus there has been a Confucian turn, the nature of the turn, that is, the strand of Confucianism being invoked and the way it is used by the Party, is seldom discussed. Kelvin Cheung, for example, comments that Confucianism is being used as a new form of nationalism, but fails to mention the form of Confucianism being invoked (Cheung 2012, p.205). Other examples include

Christopher Ford's assertion that the Confucian turn is based on 'quasi-Confucian concepts' without clarifying what 'real' Confucian concepts are (Ford 2015, p.1032). Indeed, while most authors have acknowledged the heterogeneous nature of Confucian philosophy, Confucianism and Confucian values have often been treated as homogenous in the debate on the legitimacy of the present Chinese state. A good example of this is He Baogang's statement that Confucianism has a variety of traditions (He 2010, p.18), and yet later in the same paper invokes seemingly monolithic 'Confucian perspectives' without specifying from which traditions these perspectives are drawn (He 2010, p.20). These two gaps will be addressed by this thesis as contributions to the Chinese legitimacy discourse.

The current ideological confusion in China may be better understood by looking at the current legitimacy issues from a broader historical perspective. The traditional Chinese view is that the Chinese empire was at the apex of global civilisation for much of its history. This alone can create a strong sense of nationalism and Chinese exceptionalism. The strong sense of nationalism is further augmented by the century of humiliation discourse, when Western powers unceremoniously dislodged the Chinese state from this real or imagined lofty position. These factors would suggest that legitimisation stories that are indigenous would be more likely to be accepted by the Chinese people. In this context, the use of Confucianism, an ideology which is most representative of Chinese cultural traditions, by the Party is both inevitable and understandable. The problem is that Confucianism as practiced for much of the imperial era sits rather uneasily with the modern concept of legitimacy, as almost all modern secular states invoke the concept of popular sovereignty as the basis of political legitimacy. Indeed, given the description by Samuel Huntington that 'Confucian democracy is clearly a contradiction in terms' (Huntington 1991, p. 26), Confucianism would seem ill-suited as the basis of legitimacy for a modern state. Furthermore, there are those that claim that Confucianism is inherently

anti-democratic (for example, Elstein 2010; Fox 1997). Given this, and the traditional hostility by the Party towards Confucianism from its earliest days until the 1980s, Confucianism, the Party and legitimacy would seem to make for rather strange bedfellows.

The idea that Confucianism is inherently anti-democratic and the liberal association with democracy would suggest that any legitimation scheme that meets the criterion of popular sovereignty must draw on liberal ideology. The strong latent nationalistic feelings within the Chinese nation can, however, make any such legitimation stories based on non-Chinese sources harder to accept. For example, Michael Freeman states that Asian values are increasingly challenging 'Western' concepts of human rights and democracy (Freeman 1996, p.352), while Lee Kuan Yew, the late former Prime Minister of Singapore stated that liberal democracy is not suited to states with Confucian cultural heritages with ideals of a well-ordered society (cited in Fukuyama 1995, p. 20). In addition, Bell (2012, p.10-11) explicitly rejects liberal democracy in favour of his version of a well-ordered meritocracy which he claims is ingrained within Chinese cultural traditions (Bell 2012, p. 9). Given these rejections of liberal democracy based on so-called cultural differences, Xu Keqian points out reasonably that the path to a democratic modern Chinese state will be smoother if the roots of democracy can be found in traditional Chinese culture (Xu 2006, p. 135). There is, however, a gap in the literature regarding the conceptualisation of a Confucian democracy without liberal influences. While Confucian scholars such as Xiong Shili, Mou Zhongsan, Xu Fugu and Tu Weming have argued that Confucianism is compatible with democracy, their conceptualisations of Confucian democracy all have evidence of direct liberal influences (Elstein 2015; Makeham 2003; Tu 2002; Xu 1983). This thesis will address this gap by setting out a form of Confucian democracy that is free of liberal influences and based entirely on canonical Confucian texts. This reinterpretation of Confucianism will show that Confucianism and legitimacy based on popular sovereignty can

be natural soulmates. This conceptualisation of a novel Confucian democracy is an important contribution to the debate on the search for a viable alternative to liberalism as the basis for the legitimisation of a modern Chinese state.

1.1.3/ Research Questions.

The discussion so far has revealed three major gaps in the literature regarding the Party's Confucian turn and the legitimacy requirements of a modern Chinese state. These can be summarised in the following research questions:

- 1/ Does the CPC suffer a legitimacy deficit in its rule?
- 2/ How is the CPC attempting to use Confucianism to generate a supply of legitimation for its rule?
- 3/ Can Confucianism still be relevant in the legitimation of a modern Chinese state?

The answer to question 1 will be addressed by testing the legitimacy of the CPC against a novel legitimation framework, drawing on the ideas of Bernard Williams (2005) and Jurgen Habermas (1992). The framework will also address the manner that legitimacy is used in this thesis.

Question 2 will address the gap in the literature regarding the Party's Confucian turn.

Question 3 will address the issues of the relevance of Confucianism for the legitimation of a modern Chinese state. The conceptualisation of a Confucian democracy based entirely on a

reasonable reinterpretation of canonical Confucian texts will answer this question in the affirmative. This conceptualisation is designed to be free of Western liberal influences to take into consideration of the strong latent nationalist sentiments of the Chinese nation. Confucian democracy would meet the minimum legitimacy requirements set out in the framework, and can form the basis for the legitimation of a modern Chinese state. The reinterpretation of Confucianism is a novel conceptualisation of Confucian democracy, and an important original contribution to the search for a viable legitimation scheme for a modern Chinese state and to debate on Confucian democracy.

1.2/ Original Contribution to Knowledge.

This thesis makes three original contributions to knowledge. The devising of the legitimacy framework and its use for the examination of legitimacy of the Chinese state is this thesis's contribution to the debate on political legitimacy and the legitimacy of the Chinese state. The examination and findings on the strand of Confucianism being invoked and the how it is used by the Party is this thesis's original contribution to the debate on the legitimisation efforts of the Party. The proposed legitimisation story based on Confucian democracy serves as the thesis's original contribution to the debate on the search for a viable political ideology for the legitimisation of a modern Chinese state. These three areas of contribution are connected by the central issue of China's as yet unsuccessful long search for a viable ideological basis for its legitimisation stories since the demise of Confucianism at the end of the imperial era. Accordingly, the thesis is divided into three broad parts oriented to the development of each of its three main contributions.

The first part of the thesis consists of chapters Two, Three, Four and Five, and deals with the manner which legitimacy concepts are being used in this thesis, and on factors which can influence what legitimisation stories can be easier to make sense of, and whether the current Chinese state passes the test set out in the framework. The second part contains chapters Six, Seven and Eight, and focuses on the Party's Confucian turn as part of its legitimisation effort. Chapter Nine forms part three of the thesis, which is a discussion on a viable basis for legitimisation of a modern Chinese state in the form of Confucian democracy.

The first part of the thesis will discuss various forms of legitimacy schemes, before devising a novel viable framework for the examination of legitimacy of the current Chinese state. The

framework will draw on Williams's concept of internalist legitimacy (Williams 2005, p. 6), and the Habermasian concept that values, meanings and scarce resources are interchangeable in the context of political legitimacy (Habermas 1992). The framework will be used to critically examine the legitimacy of the CPC in an empirical context. The novel legitimacy framework and its use in this thesis contributes to the debate on the legitimacy of the Chinese state. The framework can also be used for the examination of non-liberal states that base their legitimacy on popular sovereignty, and is therefore also a contribution to the debate on the legitimacy of states.

The second part of the thesis examines which strand of Confucianism is being invoked by the Party and its use by the Party. This will be conducted using analysis of the elite discourse. It will be demonstrated that the form of Confucianism being invoked is not any systematic strand of the philosophy, but folk traditions loosely based on Confucianism that stress the importance of loyalty to the ruling order and respect for patriarchal hierarchies. It will also be demonstrated that the Confucian turn is more of a nationalist turn, and that Confucianism and Confucius are being used as icons of Chinese exceptionalism. These findings will form this thesis's second original contribution to knowledge in the debate on the legitimization efforts of the Party.

The third part of the thesis is the setting out of a viable Confucian-based legitimization story for a modern Chinese state. This contributes to the search for an appropriate ideological base for the legitimisation of the Chinese state in its long transition to modernity. The strong latent nationalistic sentiments partly as a result of the century of humiliation discourse would suggest that an indigenous ideology might be easier for the people to make sense of. It will be argued that contrary to common perceptions, influenced by millennia of Confucianism as practiced

during the imperial era, Confucianism is not inherently anti-democratic, but holds popular sovereignty to be the ideal form of human association. This thesis will support this argument by the conceptualisation of a form of Confucian democracy with a novel, but non-contrived, reinterpretation of Confucianism based solely on canonical Confucian texts.

1.3/ Note on Methodology.

The thesis will draw on and integrate different methodological approaches to answer the questions posed. These include the conceptual and normative analyses of political theory, a critical review of the literature, along with historical and discourse analyses. The first part of the thesis deals with theoretical issues of legitimacy and how these relate to the current Chinese state. The critical examination of the legitimacy of the current Chinese regime will be based on secondary data on the legitimisation stories being told and the governance of the Chinese state. The second part of the thesis will use an analysis of the elite discourse to determine and the strand of Confucianism being invoked and the way it is being used by the Party in its legitimisation efforts. The reasons for choosing discourse analysis as a methodology and the rationale for the selection of texts for analysis will be discussed in detail in Chapter Seven. The third part of thesis deals with a novel conceptualisation of Confucian democracy as the appropriate ideological base for the legitimisation of a modern Chinese state.

1.4/ Chapterisation.

Chapter Two forms the theoretical basis of legitimacy as used in this thesis. It discusses the distinction between descriptive and normative legitimacy and how self-legitimation may affect legitimisation efforts. The chapter also examines the works of Rawls and Pettit on normative

legitimacy, and makes the argument that thick liberal legitimation criteria may not be the most appropriate for the examination of legitimacy of non-liberal states. Instead, it will be argued that an internalist concept of legitimacy posited by Williams combined with the Habermasian concept that values, meanings and scarce resources are interchangeable in sustaining the legitimacy of a ruling order may be more useful in examining the issues of legitimacy of the current Chinese state. Both these concepts can be said to be universal, in that they do not presuppose any ideologies as being necessary for the legitimation of a ruling order except for popular sovereignty. This means that they can be usefully applied to ruling orders that invoke this concept as the basis of their legitimacy across the political spectrum and spanning cultures.

Chapter Three is a discussion on the factors and historical events which still have relevance in the discourse on current Chinese legitimacy. In order to understand why people may find certain legitimation stories make more sense than others, it is necessary to understand their experiences at arriving at the present. So, following on from the discussions of legitimacy framework, this chapter will then go on to discuss historical events that have help shaped the ideas of legitimacy in a broader Chinese historical perspective. The first part of the chapter will discuss the rise of Confucianism as the hegemonic ideology from early Han times to the Second Opium War. The second part of the chapter will deal with the century of humiliation, arguably the period which has had the most influence on the construction of legitimation stories in post-imperial China. In so doing, it will help to develop the argument that the ideologically confused Chinese nation is still searching for a viable ideological foundation for the legitimation of a modern Chinese state after the demise of Confucianism in China.

Chapter Four discusses the legacy of the liberation. It discusses how the events during the period 1949 to 1978 have limited the ability of the Party in its construction of legitimation stories in the post-Mao era. It also examines the introduction of market reforms in the late 1970s and the attempts by the Party to square the circle of combining Marxist values with increasingly capitalistic societal practices.

Chapter Five examines the legitimation stories being told and whether the current regime passes the legitimacy test set out in chapter Two. It discusses the legitimation story of Socialism with Chinese Characteristics, and how this may be hard to make sense of by the people given the diminishing relevance of Marxism at the societal level. One of the central arguments is that the lack of democratic legitimation in the Chinese governance system means that it is hard to make a case that the people do make sense of the story given the contradictions.

Chapters Six, Seven and Eight are linked chapters. The first of these three chapters, Six, is a discussion on the main strands of Confucianism. It will take Mou Zongsan's (牟宗三) assertion that there are 4 main strands of Confucianism (Mou 1991, pp. 4-12), and will also argue that folk Confucianism ought to be treated as a fifth strand. The chapter discusses the different emphases of these different forms of Confucianism, to set out the ground for chapters Seven and Eight, which examine the strand of Confucianism being invoked and the way that it is being used in the Confucian turn.

Chapters Seven and Eight will use analysis of the elite discourse to determine the answers to research question Two. The justifications for the use of this method are discussed in Chapter

Seven. Both chapters will critically examine the messages contained within the cases selected to show that the form of Confucianism being invoked is based on folk Confucianism. The case will also be made that the Party is attempting to use folk Confucian ethics both as a remedy for systemic failures to regulate the conduct of party cadres, and as appeals to the people for loyalty to the ruling order in support of the Party's claims to legitimacy. The analysis will also show that the Confucian turn is based on Chinese exceptionalism, that the Party is attempting to use nationalism to remedy the deficits of Marxism to convince the Chinese of its legitimacy to rule.

Chapter Nine is a discussion on the viability of Confucianism as the ideological basis for the legitimisation of a modern Chinese state. This chapter discusses the malleable nature of Confucianism, and refutes the notion that Confucianism is anti-democratic in nature. It will then conceptualise a form of Confucian democracy without direct liberal influences by a novel, but reasonable, re-interpretation of canonical Confucian texts. The common perception of Confucianism being inherently anti-democratic, and the liberal association with democracy already discussed in Section 1.1.1 *The Confucian Turn*, would suggest that any legitimisation scheme that meets the criterion of popular sovereignty must draw on liberal ideology. The narratives of the century of humiliation and the real or perceived history of overbearing Western influences and interferences in the affairs of China, however, can make legitimisation stories based on a 'Western' concept of democracy harder to accept. The path to a democratic modern Chinese state, then, will be smoother if the roots of democracy can be found within traditional Chinese culture. It must be stressed that this chapter does not aim to produce a blueprint or roadmap to the democratisation of the present Chinese party-state, but merely how a version of Confucian democracy can be useful for the legitimisation of a generic modern Chinese state. This concept of Confucian democracy can help to ease the ideological confusion in China's long march into modernity.

Chapter Ten is the concluding chapter which draws together the analysis on legitimacy of the Chinese state, the Party's legitimation efforts in the form of the Confucian turn, and the devising of a viable ideological basis for the legitimation of a modern Chinese state based on Confucian Democracy.

Chapter 2: Legitimacy and Legitimation Theoretical Framework.

2.1/ Brief Overview of Political Legitimacy.

The concept of legitimacy is important, as a ruling order that is illegitimate, at least in the eyes of the ruled, must expend resources for the coercion and suppression of the ruled to retain power. A ruling order that is legitimate, on the other hand, can reasonably expect its citizens to comply with its demands. Naked oppression requires a large expenditure of resources; hence it is better for the ruling order to promote the idea that rules enacted are in some sense 'morally correct' and ought to be followed (Zelditch 2001). This ensures resources otherwise used for the suppression of dissent are better utilised for the benefit of society, or more likely, the ruling order and their supporters of that society.

Legitimacy, however, should be more than the people being coerced or manipulated by the ruling order into mere passive compliance for instrumental reasons. As Rodney Barker (1990, p.138) states so succinctly, 'A state which can only coerce its subjects is not governing them, it is at war with them.' Seymour Lipset (1960, p. 386) adds further clarification by stating that legitimacy is the ability of the ruling order to instil the idea among the ruled that the existing regime is the most appropriate, while Richard Merelman (1966, p.548) adds that the regime is legitimate if it is viewed by the people as morally proper for that society. What is 'morally proper', however, can often be very contested, and therefore the legitimacy of a political order and its ability to command respect rather than mere compliance is one of the most pervasive themes in the history of political theory (Outhwaite 2009, p.62).

The death of God, at least in the Hegelian and Nietzschean senses, means that legitimacy claims based on some divinely ordained right to rule are no longer valid, and the modern state (post-enlightenment in the West) must therefore seek fresh rationales for the legitimacy to rule. A similar situation exists in China after the republican revolution that saw the overthrow of the last imperial dynasty in 1911/2, along with the repudiation of traditional Confucianism as a political legitimation ideology during the May Fourth and New-Cultural Movements at the latter part of that decade (Starr 2009, p.68; Wang 2005, p.308). To a large extent, the country is still searching for a legitimation ideology in its long transition to modernity, and there seems to be a revival of some form of Confucianism currently in China after decades of suppression (Bell 2008; Lien and Oh 2014, pp.437-438; Zhang 2014). This chapter will devise a normative legitimacy framework that can be appropriate for China given its distinctive cultural traditions and political system, and which will then be used to examine the political legitimacy of the Chinese state in chapter Five.

The discussion of legitimacy will be broken down in four sections in this chapter. The first is a discussion on descriptive Weberian schemes of legitimacy, and Rodney Barker's variation of this, his ideas on the self-legitimation of rulers (Barker 2001). The descriptive schemes of Weber and Barker, however, do not address the fundamental issues of popular sovereignty, a concept of legitimacy invoked by almost all modern secular states. Hence, the second part of the chapter will be a discussion on the importance of democratic legitimation in modern states. The discussion will then progress to thick and thin concepts of normative legitimacy which incorporate democracy in the third part of the chapter. A Rawlsian concept of legitimacy will be used as the main example of thick liberal normative legitimacy, and this paper will then critique the assumptions of the Rawlsian scheme; critique is used in the context of an open-ended discussion, rather than mere criticism. It will also explore alternative, but thinner,

normative legitimation schemes advocated by Philip Pettit and Bernard Williams. The fourth part of the chapter will propose a suitable framework for the examination of the Chinese state, drawing on the theories of Bernard Williams and Jurgen Habermas.

It will be argued that the Weberian concepts of legitimacy set the bar too low, as almost all functioning states would be considered legitimate using this framework, which would render the examination of legitimacy of states rather meaningless. It will be further argued that although thick liberal concepts of legitimacy are endowed with many admirable moral qualities, such morals should not be conferred onto the concept of legitimacy of a ruling order. It will be demonstrated that both the purely descriptive and the thick liberal normative schemes of political legitimacy either set the bar too low or too high. This chapter, then, will make the case for an alternative, thinner normative legitimation framework based on the ideas of Williams's 'internalist' approach (Sagar 2018; Williams 2005) and Habermas's ideas that values, norms and scarce resources can be interchangeable in the context of legitimacy (Habermas 1992), as a suitable theoretical framework for the examination of legitimacy issues in China. The fusing of Habermas's and Williams's ideas to arrive at a combined framework of legitimacy are not meant to be faithful depictions of the thoughts of these two writers, but to draw on their works on legitimacy to produce a more rounded look at the legitimacy of states, particularly of non-liberal states.

This modified theoretical framework will help to better understand the problems of legitimacy facing the present ruling order in China and its responses to challenges to its legitimacy in its efforts of legitimation. The framework will also help to demonstrate that legitimacy does not

necessarily have to be based on a liberal perspective, and that there can be alternatives to the liberal order.

2.2 Descriptive Legitimacy.

What exactly, though, is legitimacy? As mentioned in the introduction of this chapter, legitimacy at its most basic level, can be the people accepting that the state has the right to hold and exercise political power (Gilley 2008, p.260). David Beetham (1991a, p.27) adds that people hold the rulers as moral agents as well as self-interested actors; that is, the people are obedient towards the state because of its legitimacy, and not only for prudence and advantage.

These views of legitimacy seem to be drawn from Weberian traditions, in which the legitimacy of a state is grounded on the belief by the ruled that the ruling order is legitimate (Beetham 1991b, p.35), and that all states strive to cultivate the belief in its legitimacy (Habermas 1992, p.97). The former statement is the Weberian view of legitimacy, while the latter claims that all states feel the need for legitimation. The distinction, according to Barker (2001, p.22), is that legitimacy is an 'ascribed attribute', and legitimation is the 'action of ascribing'. That is, legitimation are actions taken by states to either cultivate the attributes of legitimacy, or at least, to engender the belief among the ruled that the state possesses these attributes. This distinction is important, as a legitimacy framework can be used to examine the legitimacy of states, while the examination of legitimation schemes is useful to better understand the actions of states to make good any possible legitimacy deficits. This would avoid any confusion in the context of the debate, as sometimes the two can be conflated in legitimacy literature. The Weberian concepts of legitimacy will be discussed next, followed by the Weberian ideas of legitimation.

The main Weberian criteria for political legitimacy are Legal Rule, Traditional Rule and Charismatic Rule (Weber 2004, pp. 133-138). The Weberian view is that the purest form of legal rule is in a bureaucratic form, where obedience is owed not to the person, but to the enacted rules, or the law. This emphasis of legal rule in the Weberian context of legitimacy begs the questions why the law should be obeyed, and why it should be legitimate. Beetham (1991b, p.39) states that a system of law cannot be a sufficient condition for legitimacy. Some very oppressive laws, after all, can be passed by any group with the means to coerce people into obeying. Hence, for a system of law to be legitimate, it needs a rightful authority to underpin its legitimacy. In modern secular states, that source of legitimacy is usually derived from the people. The concept of popular sovereignty and democracy as the source of legitimacy will be discussed in more detail later in this chapter.

Traditional rule in the Weberian context is 'based on the belief in the sanctity of order and powers of rule which had existed since time immemorial' (Weber 2004, p. 135). The problem with this is that it posits that once a regime has established some sort of rule for a certain period, it must therefore be legitimate, as the regime now has tradition on its side. The question is, of course, what is meant by 'time immemorial'. If this is to be taken at face value, then only ancient regimes (but how ancient is ancient?) can claim legitimacy from this criterion. The other alternative is that once a regime has established some sort of rule, no matter how oppressive or brutal, it must therefore be legitimate due to having tradition on its side. The last on the list of Weberian types of legitimacy is charismatic leadership, which is the: '...affectual surrender to the person of...magical capabilities, prophecies or heroism, spiritual power and oratorical powers' (Weber 2004, p.139).

The problem with the Weberian scheme of legitimacy is that people might tolerate, and indeed, accept and obey the commands of an authority with any of the three attributes of legitimacy, law, tradition and charisma, but then questions must be asked regarding the conditions of how this acceptance came into being (Connally 1984a). The acceptance of Weber's criteria that a regime can be considered legitimate if any of the conditions of law, tradition or charisma are met would therefore set the bar of political legitimacy far too low. Almost all, if not all, of the regimes throughout history, no matter how blood-thirsty, would seem to meet either one of these conditions, and would therefore consider legitimate. This would include historic regimes such as Nazi Germany, Stalinist Russia, Maoist China and Pol Pot Cambodia, all with brutal suppression of dissidents or people just suspected of being dissidents, and modern states such as North Korea and quasi-states such as ISIS. All of the above would satisfy at least one of the conditions set out by Weber, the most obvious example would be law, as all regimes must have a set of rules, or laws, to operate. Also, Mao, for all his faults, was certainly charismatic. A logical conclusion of Weber's scheme would mean that it is legitimate to have millions killed on the whims of a charismatic tyrant, to enslave a large part of the population if it is part of tradition, or to kill all non-believers in whatever ideology is deemed to be the orthodox truth if it is written into law. If the assertion of Buchanan (2002, p.689) that political legitimacy is about the moral right to rule is valid, and that an entity only has political legitimacy if it has the moral justification to exercise power, then the Weberian legitimation schemes would seem rather lacking.

The Weberian typology of political legitimacy, then, sets the bar so low that it becomes rather moot to say whether a state is legitimate. Indeed, Melvin Richter makes the point that Weber's scheme does not consider the possibility of states being illegitimate (Richter 1982). However, if all states are deemed legitimate, it makes the whole point of examining the legitimacy of

states rather pointless. It seems that Weber, rather than setting out a scheme of political legitimacy, was describing the different types of states of his time, and attributing legitimacy to each according to their different characteristics. Given this, a Weberian scheme of legitimacy would not be an appropriate framework for the purpose of this thesis.

Although the thin Weberian approach to legitimacy is inappropriate for the examination of political legitimacy in the context of this thesis, a variation of the Weberian approach to legitimation by Barker nevertheless deserves further discussion. Barker distinguishes between legitimation aimed towards the ruled and the self-legitimation of rulers (Barker 2001, pp. 41-42). The idea that legitimation efforts are mostly focused internally is Barker expanding on Weber's idea of self-legitimation. The classic view of Weberian legitimation is that legitimation efforts by regimes are focused both internally and externally, that is, both to convince the people the regime is legitimate (Berger and Zelditch 1996, p. 267), and for the ruler that it has the right to rule (Barker 2001, p. 5, 26). Barker, however, goes further and argues that the main purpose of legitimation is internal, primarily for the benefit of the ruler, and that there is an inherent need for rulers to self-justify their rule (Barker 2001, pp. 41-42). This is not only to engender the belief among the ruled that the regime is legitimate and therefore deserves obedience, but primarily to convince rulers themselves that they have a natural right to give orders that should be obeyed. While Barker argues that it is mostly an internal need, it must be stressed that intentions are hard to decipher, while actions are easier to see. Whether legitimating stories such as the divine rule of kings in pre-modern times, or based on superior knowledge of historical processes as in Marxist-Leninist states, are primarily for the benefit of the ruled or the ruler is open to debate. Rulers may sincerely hold that it is their destiny to rule, or that they are guided by a higher purpose, and thus their rules are legitimate. It is difficult, if not impossible, however, to distinguish whether beliefs are

sincerely held or just rhetorical devices to try and gain legitimacy in the eyes of the people. That said, Barker's ideas of self-legitimation can help to better understand some actions of regimes, and the analysis of self-legitimation efforts can also help with identifying the signs of legitimacy deficit, such as when the self-legitimation efforts of rulers are in conflict with societal conditions and values. This will be discussed in later chapters when examining the Party's response to its problems of legitimacy.

These Weberian concepts of legitimacy discussed so far may be said to be a descriptive concept of legitimacy (Buchanan 2002). However, as already discussed, the scheme set the legitimacy bar so low that all states are deemed legitimate, which would make the concept of political legitimacy the same as simply being in power. If the idea that all regimes, however oppressive, are legitimate seems too bleak a scenario, then normative concepts of legitimacy with attributes beyond this are needed. William Connolly asks an interesting question with regards to what these attributes should be: 'What...can render the conventions governing us valid by making them fully expressive of our will? (Connolly 1984a, p.4). Of course, this is somewhat of a loaded question. There is a clear meaning contained within the question that governing conventions are only valid if they are fully expressive of the popular will. That the question is loaded in this manner when discussing the political legitimacy of modern states is not surprising, as the invocation of popular sovereignty as the bases of political legitimacy is almost ever present in all legitimation schemes among modern non-theocratic states. Popular sovereignty, in the form of democracy, is an essential part of both thick liberal (for example, Rawls 1993; Waldron 1987) and thinner, non-liberal (Williams 2005), normative schemes. Indeed, democratic legitimation is invoked across the political spectrum and across cultures. The examples being that the official name for North Korea is the 'Democratic People's

Republic of Korea’, and the former East German state was officially known as the ‘German Democratic Republic’.

In the context of China, the CPC, who has commented on numerous occasions that the Western liberal democracy model is incompatible with the conditions and cultural traditions of China, nevertheless invoke the concept of popular sovereignty as the basis of their legitimacy. All major official institutions in China have the prefix of the ‘People’. Examples being the ‘People’s Liberation Army’, the ‘People’s Government’, and of course, ‘The People’s Republic of China’. Furthermore, in a speech at the ‘Party and the World Dialog 2015’, Wang Qishan, widely seen as the right-hand man to Xi, and Vice-President of the People’s Republic since 2018, clearly based the Party’s legitimacy to rule on the concept of popular sovereignty. Wang stated that ‘The CPC’s legitimacy lies in history and popular support from the people. The Party is the choice by the people’ (cited in Ruan 2015). The CPC, then, do not object to the idea of the people being sovereign, but rather seems to fully embrace the idea. Its objection is with the liberal version of democracy, with the claim that liberal democracy has inherent flaws, and that the Chinese system of governance is a better version of democracy (The State Council Information Office of the People's Republic of China 2021). Whether the Party’s invocation of democratic legitimation is valid will be discussed in later chapters, the point being stressed here is that the concept of popular sovereignty enjoys support spanning different political systems.

Classical Confucian texts also support the idea of the people being paramount in a three-tier system, in which the people come first, followed by the state, and at last place is the ruler (民

為貴，社稷次之，君為輕) (Mengzi¹, Jin Xin II 孟子，盡心下). Of course, classical Confucian texts are not unlike any other ancient sacred documents that have evolved and re-interpreted throughout history, and so are full of contradicting dogmas. This means that support for almost any position can be found in the text. At this stage, it is not being argued that Confucianism is supportive of democratic ideas or otherwise. The quote is used to merely illustrate that the idea of popular sovereignty and democracy are not, as many have claimed, purely Western liberal values.

Given the invocation of popular sovereignty in the form of democracy as legitimation in almost all non-theocratic states, it is necessary to examine the nature of democratic legitimation in modern states and how it fits in with the adopted framework. The next part of the chapter will discuss why the concept of democracy matters so much in the legitimisation of modern regimes. The main focus is not on the mechanics of various types of democracy, but rather, whether political arrangements are sufficiently democratic to realise the principle of popular sovereignty and therefore confer democratic legitimacy on a ruling order.

2.3 Democratic Legitimation.

The idea that the state should be accountable to the people, and act in the name of the general will is a strong theme after the Enlightenment in the West (Israel 2006), although similar sentiments can also be found among ancient Confucian texts. The idea of the people being sovereign can best be summarised by Lincoln's famous rallying cry at the Gettysburg Address; 'Government of the people, by the people, for the people'. In this context, democracy can

¹ The literature mostly uses *Mencius* to denote both the book and the person. The Chinese Text Project's online version of the Confucian classics, however, uses *Mengzi* instead. As this thesis draws heavily from this source for access to the classic works of Confucianism, *Mengzi* will be used.

legitimise a political order because it is a way of ascertaining the will of the people, and realise the idea of popular sovereignty to replace the now defunct concept of legitimation by theocratic authority in Western societies.

Democracy is a moral ideal that all people have equal moral value, and therefore deserve a voice in the running of the state (Bouytoux 1921; Charner 1973; Rawls 2003). It also has its instrumentalist side to minimise the risk of tyrannical governments by trying to make the ruling order accountable to the people, and which can only remain in power on the sufferance of the people. It may be argued that the idea of moral equality is a liberal concept of popular sovereignty, and that it is not necessary an inherent ideal in all modern democratic structures. Carl Schmitt, for example, argues that a political community cannot be based on the absolute moral equality of all persons, but that an exclusive political equality should only be applied to insiders (Schmitt, 2008, pp. 257-264, cited in Lars, 2019). While it is true that the idea of moral equality invoked here is substantial and non-neutral, it would be misleading to claim that it is exclusively liberal. Sungmoon Kim argues that the Mengzian notions of the original goodness of human nature, moral equality between all persons, and the respect for human dignity, all support a concept of Confucian human rights, and by extension, Confucian democracy (Kim, 2015, p.153). Chenyang Li expresses similar views based on the works of Mengzi, and also cites Xunzi to support his assertion that moral equality is not an aim to be pursued, but rather, the 'ontological commitment' that serves as the very basis of Confucian ethics (Li, 2012, pp. 297-298). Sor-hoon Tan and Anh Tuan Nuyen also defend the concept of moral equality in Confucianism in their works on Confucian democracy and equality (Tan 2012; Nuyen 2001). So, while it is correct to contend that moral equality is a liberal concept, it must be stressed that it is not an exclusive liberal concept.

Democracy, however, comes in many flavours, and the typical representative democracy of Westernised liberal orders is not the only method in determining the wishes of the people. Direct democracy (Lupia and Matsusaka 2004; Matsusaka 2005) is an example of alternative way to determine the general will. Indeed, direct democracy would seem more ‘democratic’ in that the people can make direct decisions rather than leaving it to their elected representatives, who may or may not honour pledges made during election campaigns. In modern states with population in the millions, however, such a mode of democracy can be considered an ineffective form of governance. Direct democracy imposes a high cost in terms of resources if decisions can only be taken by plebiscites. Indirect, representative democracy with a time-limited mandate, may therefore be seen as a reasonable compromise between the popular will, efficiency and stability. The point to stress is that regardless of the mechanics of the different forms of democracy, the aims of democracy are to prevent abuses of power by the ruling order and to realise the ideal of the equal moral value of individuals through the concept of popular sovereignty. Joseph Schumpeter describes democracy as ‘...institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people's vote’ (Schumpeter 1943, p. 269, cited in Schmitter and Karl 1991, p. 87).

If the aims of democracy are accepted, then it must also follow that there ought to be broad degree of freedom of ideas and the freedom to disseminate these ideas for informed choice. The idea of informed consent depends on the people having the freedom to receive and disseminate information, in other words, the freedom to hear and construct alternative narratives. It is now commonly accepted that language and discourse can shape norms, values and power relationships (Gottlieb 1981, p. 283; Fasod 1990, p.65; Fairclough 1992, p.8), so the freedom to affect the discourse must be one of the fundamental features in a democracy.

Robert Dahl asserts that citizens in a democracy, among other rights, must have the freedom of expression in political matters broadly defined and the right to seek out alternative information (Dahl 1982, p.11). The traditional methods of disseminating information are television, radio, books, pamphlets, or speeches and debates in meetings with which interested parties aim to affect the discourse through these media. These forms of dissemination rely heavily on having sufficient resources and creates an asymmetry of power in the ability to construct and convey narratives. The traditional methods of transmission of information have been augmented by new forms of digital media, and the internet age has enabled almost anyone to have their voices heard. This widening of the channels of transmission can be helpful to informed consent, as even though there are still asymmetries in the ability to influence the discourse depending on resources, it is easier for individuals and groups with less resources to air their views to a wider public.

It is important to point out that the need for informed choice does not mean that all who have chosen must be fully informed for the choices to be considered valid. This is an impossible task, as people are not always rational, or can choose not to be rational, for different reasons. Some people might express their choices based on emotion, while others by tribal loyalties, while others for whatever reason do not examine the information available before expressing their choices, and still others make no explicit choices at all (for example, people who do not vote at elections). Instead, the criterion is for the conditions of informed choice to be possible, and that people have access to all the relevant information from which to base their choices. It is accepted that there are limits to the freedom of information and expression even in the most liberal of states, for example, to protect collective security or to prohibit incitements to violence and hatred. One legitimate way to set the limits of these freedoms may be to appeal to J S Mill's concept of freedom, in which the limit of one person's freedom is that it shall not infringe

of the freedom of others (Mill, No Date). The thesis shall use freedom of information and expression in this context when referring to informed choices.

For the ideals of popular sovereignty to be realised, any choices must also be meaningful. This means that the people can either accept or reject laws that govern, and rulers that rule over, them. Dahl (1982, p.11) describes this as elected officials having control over government decisions and that these officials must be elected on a fair and frequent basis in which there is comparatively little coercion. For want of a better word, this right of the people to reject and change the laws of the ruling order, and the ruling order itself, shall be called *rejectability*. The use of democracy to realise popular sovereignty is that it is based on the will of the majority of people with equal moral worth, so it is not necessary for all the people to have formally consented to any particular political arrangements, just that they have the opportunity to either accept or reject such arrangements under the democratic rule of the majority. This would be one response to the criticism so often levelled at the consent theory with regards to legitimacy (for example, Hume 1994), that people born into a society often cannot, or have not, expressly consented to the political arrangements, thus rendering such political arrangements based on consent illegitimate.

The Lockean concept of tacit consent to overcome this is criticised by Hume as being too weak (cited in Wendt 2016, p.239). Locke states that any person that has any possession or enjoys any benefits of a government is in effect giving tacit consent and therefore owns obedience to the laws of that government (Locke 1960, cited in Beitz 1980, p. 488). The taken for granted of consent by those without the means or the inclination to leave seems to be against the idea of popular sovereignty, where it is the government that should depart in the absence of consent.

Indeed, John Simmons asserts the notion that a person can give binding consent unintentionally as absurd (Simmons 1976, p. 282), while Hanna Pitkin asks the very reasonable question why there is a stress on consent if every action by an individual is considered tacit consent (Pitkin 1965, p. 995). It is doubtful, then, that Lockean tacit consent would be sufficient to confer democratic legitimacy on a ruling order. Rejectability, on the other hand, means that people have a choice in the arrangement of society even though they may choose not to exercise that choice, or are outvoted by the majority. In either scenario, it would be reasonable to infer that people with these rights have consented to the choice made by the majority, given that they themselves could have affected the outcome. Hence, the proposed criterion of rejectability may be one way to overcome the impasse over how consent is taken to be given, by making informed and meaningful choices of the people paramount in the context of political legitimacy.

The concept of popular sovereignty, however, begs the questions as to who the people are. Rousseau, for example, distinguishes between the general will and the 'will of all' (Rousseau 2008), and thus distinguishing between the people as an abstract collective and as an aggregate of individuals. That is, the general will is held to be a set of absolute values codified into laws which people ought to aspire to and obey, regardless of their own views or interests, whereas the will of all is the individuals' self-interest and opinions as manifested by their votes/actions. When the two wills conflict, Rousseau would argue the general will should take precedence over the will of all. The potential conflicts between the two wills stem from Rousseau's differentiation between an abstract notion of the 'people' and individuals. Whereas individuals can be self-interested, the 'people' will always act in the common good. This raises some very important questions, two of the most important are who are the 'people' if not an aggregate of individuals, and who gets to decide what is the common good? The idea of an absolute 'common will' always acting in the 'common good' seems to be based on a set of an absolute

morals that cannot even be transgressed by the will of all. Whether morals are relative or absolute has been a long-contested subject in philosophical circles (for example, Miller 2002; Sturgeon 1994; Harman 1975). Without venturing into this debate in detail as it will be beyond the scope of this thesis, it is probably fair to point out that different cultures, or even people within the same culture, can have different moral codes. It is also probably fair to say that while most people do tend to want to act in a 'good' manner, so this can arguably be used to support the idea of absolute morals being innate in humans, the definition of what is 'good' is much more contested, as it is shaped by social and cultural norms and can be different across time and culture. Hence, in the absence of a set of absolute morals that can be agreed by all cultures and sub-groups within a culture, and as the basis of the common will be determined by social and cultural norms of morality, it might be better to treat the common will and the will of all as interchangeable in a democracy. This approach draws on the idea of the 'fact of pluralism', in which Rawls states that it is not possible to reach agreement on the truth of comprehensive moral doctrines (Rawls 1993, p.63), and that reasonable pluralism can achieve stability in societies with fundamental different moral doctrines (Rawls, 1993, p.4).

It can be argued that the intention of Rousseau in framing the general will in this manner was to prevent abuses of state power, as can be the case if the general will and the common good are defined as a set of limited fundamental rights which the state can never transgress, regardless of the intention of the will of all. This position is certainly worth defending, but in epistemological terms, it is probably easier to defend the stance as a subjective advocacy for the sanctity of human dignity rather than as an absolute law either by divine revelation or somehow innate in nature. Furthermore, by differentiating between the 'people' and an aggregate of individuals, and not limiting the scopes of the general will and the common good, there is the constant danger of the general will being used to suppress freedom for a 'higher

cause' of the common good in the name of the people by an oppressive regime without a popular mandate. This would give totalitarian and authoritarian regimes carte blanche to commit atrocities in the name of the people, good examples of which being Stalinist Soviet Union, Maoist China and North Korea. The counter argument to not distinguishing between the common will and the will of all is that the people can support some very dubious acts against minorities. If democracy is the sole criterion for political legitimacy, and such oppressive actions are the informed and meaningful decisions of the people, then any such actions would seem to be accepted as legitimate, although these actions may be termed immoral by some. The notion of popular sovereignty, however, must surely presuppose that people will arrive at 'correct' moral decisions when in possession of the relevant information in open debates. If this premise does not hold, then it begs the question why appeals to political legitimacy should be to the people rather than to some divine being or a set of morals devised by a group of 'wise' people. That said, there is always the possibility of differences between the ideal and the empirical, and people may be incited to accept some very debatable moral decisions. Hence, this thesis will appeal to Mill's limitation on liberty, and consider that any regime that transgresses this limitation would not be legitimate even though it may have the informed consent of the people, to mitigate the possibilities of tyranny of the masses. This is one example of liberal constraints on democracy discussed by Gordon Graham (1992).

2.3.1/ Democratic Legitimation: Concluding Thoughts.

Democratic legitimation is invoked by almost all secular regimes across the political spectrum, in which political legitimacy comes from the people. This claim of legitimacy can only be valid, however, if the ruling order has the informed and meaningful consent of the people, expressed clearly and without coercion. The people must, in other words, have the choice to reject the existing ruling order. The people in this context are not some abstract notions, but

the aggregate of individuals, so that the general will is treated as the same as the will of all for the purpose of democratic legitimation in this thesis. The conditions that allow for informed and meaningful consent given without coercion to be possible would resemble the basic negative rights of freedom of expression and conscience found in political liberalism, minus the baggage of economic liberalism in the form of private property, private capital and the free market with its need for accumulation. It is therefore unfortunate that the basic rights necessary to realise the concept of popular sovereignty are often referred under the umbrella term of liberal democracy, as this conveys a very Western image and may give oppressive governments the pretext needed for the abuse of human rights under the guise of cultural differences. As already discussed, the idea of the people being paramount is not a Western monopoly, as classical Confucian thoughts can also support this idea. The almost universal invocation of democracy for legitimacy claims means that it ought not to be controversial to use this criterion as a necessary condition of legitimacy. This thesis will take democracy to be the informed and meaningful choices of the people, freely given, combined with the Mill's limitation of freedom to mitigate any suppression of the minority by the majority. These are indeed liberal values, and it would not be incorrect to call this a form of liberalism.² However, these are not *exclusively* liberal values, as these values of limited freedom and democracy can also be supported in classic Confucian works.

That Confucianism supports freedom and democracy without the need to draw from liberal values may seem rather counter-intuitive, given the rather stifling hierarchal nature of Song-Ming Confucianism with emphases on absolute obedience to the central authority of the

² On the use of the term 'liberal' in this thesis, it is understood that 'liberal' and 'democracy' are different concepts, and there are inherent tensions within the two (see Graham 1992 for a more detailed discussion on the necessary tensions between liberalism and democracy). However, the modern use of the terms 'liberal' and 'democracy' normally refers to liberal-democracy, so this thesis will follow this convention and take both liberal and democratic values to mean liberal-democratic values.

emperor. It will be argued, however, that the interpretation of Confucianism has been usurped by the ruling elites since Han times to support their rule, and deviates from Confucianism found in classic Confucian texts. This will be discussed in further detail in chapter Nine, where the focus will be on examining whether classical Confucianism can be a viable alternative base for a legitimating story in a modern Chinese state.

2.4 Liberal Normative Legitimacy.

2.4.1 Rawlsian Concepts of Normative Legitimacy.

The deficiencies of the purely descriptive account of legitimacy, such as the Weberian typology already discussed, means that a more normative approach is needed. The case that democracy is a necessary condition for political legitimacy has already been made. This section will look at normative concepts of legitimacy that require the ruling order to meet some extra pre-set standards, such as justice, before it can be considered legitimate. This statement by Buchanan (2002, p.689) illustrates the point that morals ought to be at the centre of legitimacy of a state: ‘...an entity has political legitimacy if and only if it is morally justified in wielding political power’. Note this is not merely the people’s perception of the ruling order’s legitimacy, but that legitimacy must be measured against a set of pre-defined moral standards. The criteria mentioned in this context are usually based on liberal values, and as such, seem to condemn non-liberal states to illegitimacy. This section will discuss whether these values are appropriate for the examination of non-liberal states, using a Rawlsian scheme as the main example of liberal ideology.

It has been argued that the most influential contemporary liberal, and by extension, Western, concepts of political legitimacy are the seminal works of John Rawls in *A Theory of Justice* (2003) and *Political Liberalism* (2005) (Freeman 2007; Dyzenhaus 2013; Peter 2014; Patton 2015). The Rawlsian schemes are, therefore, good representations of the thick liberal concepts of legitimacy. According to Burton Dreden, the first of these works, *A Theory of Justice*, is concerned with a specific form of human association based on the concept of justice as fairness, while *Political Liberalism* is how different moral doctrines under reasonable pluralism can all be legitimate modes of governance (Dreden 2003, p.317). On that basis, the ideas in *Political Liberalism* would be more appropriate for the examination of legitimacy. That said, Rawls does state that one of the aims of *Political Liberalism* is to present justice as fairness as a political conception after adjusting for reasonable pluralism (Rawls 1993, p. xxxvi). Given this, a brief discussion of the ideas contained in *A Theory of Justice* is useful before moving on to *Political Liberalism*.

Justice as fairness, according to Rawls (2003, p.10), is on a higher level of abstraction of social contract theories of Locke, Rousseau and Kant. Rawls proposes a framework of how society ought to be organised, under a ‘veil of ignorance’, where people choose the terms of their association without knowing their place in society, class, social status, abilities, intelligence, strength or their access to natural assets. Rawls calls this the ‘original position’ (Rawls 2003, p.118). From this original position, Rawls states that people, if rational, free and from a state of initial equality, will make choices on the lines of justice as fairness, illustrated by the principles of justice and priorities.³ Rawls qualifies this statement with some fundamental

³ It is assumed the Principles and Priority Rules are common knowledge to ensure a better flow of the arguments. Readers who are interested in the full set of Principles and Rules can find them at: Rawls, John. (2003). *A Theory of Justice*. 6th Printing. Harvard University Press, Cambridge, Massachusetts, pp.266-267.

precepts, and the implication seems to be that any social contract cannot be legitimate unless it abides by these fundamental principles. He states that ‘Justice is the first virtue of social institutions’, and that ‘institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust.’ (Rawls 2003, p.3).

Rawls contends that his proposals are not for any particular forms of political or economic structures, but serve as the guiding principles of how society should be organised. Indeed, the idea that fair opportunity should have precedence over the difference principle would logically lead to a radically egalitarian society rather than a liberal political economy, and can form the basis of a socialist manifesto. It is difficult, then, to see how Rawls got to a liberal order from the original position. Barry (1973, pp.16-17) explores various methods of doing so, and Rawls’s efforts in getting from this stage to a liberal order is criticised by Roberto Alejandro (1998, pp.14-16), who asserts that Rawls had used some underlying, unstated and unwarranted assumptions to arrive at a liberal political order, and to defend the liberal *status quo*.

Notwithstanding the unwarranted assumptions of getting to a liberal order from the original position, the ideas of justice as fairness do hold appeal for the promises of a better society. They are, however, extremely high standards that seem to be outside the scope of most societies, and therefore may not be useful for examining the legitimacy of states, both liberal and non-liberal. Rawls himself acknowledges this problem, and in *Political Liberalism*, states that the idea of a well-order society as depicted in *A Theory of Justice* is unrealistic (Rawls 2005, p.xvi). He states that justice as fairness is a set of comprehensive moral doctrines, and as with all comprehensive religious, philosophical or moral doctrines, can only be sustained by the oppressive use of state power (Rawls 2005, p.37). This is because there are bound to be

conflicts between different reasonable comprehensive doctrines in a modern democratic society with secured rights and liberties (Rawls 2005, p.36). Therefore, the only way to sustain consensus on any comprehensive doctrine is by the use of unreasonable state power.

Rawls seeks to overcome this problem by introducing the concept of reasonable pluralism, and now presents justice as fairness as a political conception rather than as a comprehensive moral doctrine after adjusting for reasonable pluralism and overlapping consensus of fundamental (liberal) values (Rawls 2005, xxxvi). The idea of a Rawlsian 'overlapping consensus' is not the gravitating towards the centre of all reasonable comprehensive doctrines so that it is acceptable to different doctrines. Rather, it is the idea that society should be a fair system of cooperation, one which all free and equal citizens can accept. Justice would be framed as a freestanding political conception rather than a comprehensive doctrine, one which presupposes no wider doctrine except for a democratic structure (Rawls 2005, pp. 39-40).

This seems to set the bar for legitimacy much lower. It is his use of 'reasonable', however, which if examined closely, seems to confer thick normative criteria on his legitimacy scheme and reset the high bar of legitimacy. Furthermore, Rawls's emphasis on liberal democracy as the bases of legitimacy seems to imply that all non-liberal systems of governance are doomed to illegitimacy. Dreben states that 'democracy' mentioned in *Political Liberalism* should always be read as 'constitutional liberal democracy' (Dreben 2003, p.322, p. 337). As democratic legitimation was held to be necessary for the legitimacy regimes in this thesis, this insistence that legitimacy can only mean liberal legitimacy, albeit with differing forms of liberalism, would make his ideas of legitimacy overly thick and problematic when used to examine the legitimacy of non-liberal states. These two criteria, reasonableness and the

insistence of a liberal based order, will be discussed to show that Rawls scheme of legitimacy may be inappropriate for the examination of the Chinese state's legitimacy.

At first glance, Rawls's idea of liberal legitimacy seems no different from democratic legitimation discussed earlier in this chapter. He states that the liberal principle of legitimacy is that the 'exercise of political power is fully proper only when it is exercised in accordance with a constitution the essence of which all citizens as free and equal may reasonably be expected to endorse in the light of principles and ideals acceptable to the common human reason.', and that 'only a political conception of justice that all citizens might be reasonably expected to endorse can serve as a basis of public reason and justification' (Rawls 2005, p.137). The requirement that citizens must be 'reasonable persons', however, can change the scheme from a thin to an overly thick conception of legitimacy. Rawls states that in a society with a plurality of reasonable doctrines, it is not reasonable to use state power to punish others based on reasonable disagreements (Rawls 2005, p.138). That is, a reasonable person ought to be tolerant of thoughts and actions where these do not threaten the freedom and liberty of others. In essence, the idea of liberal tolerance.

If this is the extent of 'reasonableness', then the concept of the reasonable person need not be problematic in terms of legitimacy. However, there are further requirements to the concept, and Leif Wenar summarises the five attributes that according to Rawls, a reasonable person must possess (Wenar 1995, p.36):

1: a/ Possess the capacities of a sense of justice and a conception of the good b/ possess intellectual powers of judgement, thought and inference, c/ have a determinate conception of the good interpreted in the light of some comprehensive view; d/ are able

to be normal, fully cooperating members of society over a complete life (Rawls 2005, pp. 15-35, p.81).

2: Ready to propose and accept the fair terms of cooperation if assurances are given that others will do the same. (Rawls 2005, pp. 48-54)

3: Recognise the burden of judgement (Rawls 2005, pp. 54-58).

4: Have a reasonable moral psychology (Rawls 2005, pp. 81-89).

5: Recognise the five essential elements of a conception of objectivity (Rawls 2005, pp. 110-112).

These attributes of reasonableness, do indeed, seem reasonable. They can be the basis of a stable liberal society with fundamental moral difference with reasonable pluralism and overlapping consensus. Indeed, it is hard to see any valid objections for applying these ideals of reasonableness as the basis of legitimacy to even non-liberal societies where popular sovereignty is deemed to be the foundation of political legitimacy. There is, however, a major problem if these attributes of reasonableness are to be used to examine empirically the legitimacy of any state. It is hard, if not impossible, to ascertain the state of mind of the electorate to determine whether they had satisfied the criteria of reasonableness as listed by Rawls. This would have the effect of leaving the empirical question of the legitimacy of a ruling order always being undecided.

While Rawls may not have this in mind, the five attributes listed can also be interpreted that only people possessing these attributes are allowed in political decision making, or that decisions taken by people without these attributes are non-binding on the ruling order. It is a

dangerous path to take in terms of democratic legitimation, as if followed, the requirement that people must be 'reasonable' can be excuses for authoritarian regimes, or even the losing side in a liberal democracy, to disregard the choice of the people on the grounds that they are not 'reasonable'. So, while the aim of the concept of reasonable person is admirable in the abstract, the difficulties in determining whether people are in fact reasonable and the problems this can cause mean that the Rawls scheme of legitimacy may be inappropriate for the examination of the legitimacy of states.

The insistence on liberal legitimacy is also problematic, and not conducive for the examination of non-liberal states. Rawls does not have much to say about private property and the competitive market in *Political Liberalism*, and Samuel Freeman asserts that Rawls has ventured very little opinion on private property or the political economy (Freeman 2007, pp. 48-51), but a concept of political liberalism would also suggest a liberal political economy. It is difficult to envisage a form of liberal order that does not do so. The use of thick liberal legitimacy criteria to examine the legitimacy of non-liberal states would therefore have the unfortunate effect of implying that all other political orders cannot be legitimate unless they also follow the tenets of liberalism, including the baggage of a liberal political economy. Such views can be accused of being Western-centric, a form of Western cultural imperialism (Petras 1993). By tying legitimacy so closely with a liberal order, it would delegitimise states that can meet the standards of democratic legitimation, but which operate a different form of political economy. So, while the Rawlsian scheme of legitimacy based on political liberalism satisfies the necessary condition of democracy, it is not an appropriate framework for the examination of legitimacy with the bar set so high.

2.4.2 Republican Democracy: A Purported Thinner Liberal Theory of Legitimacy.

Pettit (2012, p.75) argues that a way out of the problem is to decouple legitimacy from justice, and to treat the two as distinct. Robin Douglass states that Pettit's idea of freedom based on Republican Democracy is one of non-domination (Douglass 2016, p.122). That is, a state can be legitimate if it does not dominate its citizens, and the state's power of coercion does not count as domination if it is subjected to popular control (Douglass 2016, p.126). To avoid state domination, Pettit argues that there must be universal suffrage when all votes are treated equal, so that the state is subjected to the control of the people. Individuals and minority groups must also have recourses to protect them against the tyranny of the majority (Pettit 2012, pp.168-170). From these descriptions, it is hard to see how Pettit's account differs from a run of the mill liberal-democracy, despite his insistences that they are different. Indeed, this concern for freedom as non-domination can be seen as a rallying cry in support of liberal-democracy. Charles Larmore (2001, p. 235) argues that the liberal version of freedom is only concerned with non-interference is a mistaken take on liberalism, and that freedom as non-domination is very much in the tradition of liberalism as advocated by Isaiah Berlin. Given this, Pettit only partially succeeded in his aim of looking at legitimacy from a narrower, or less thick, base. While his version of Republicanism may solve the problems with the consent theory of legitimacy, there is still the problem of tying legitimacy together with a liberal version of democracy, which again, is not useful in considering legitimation problems of non-liberal states, or states with non-liberal versions of democracy.

This concern with freedom as non-domination when placed within a liberal context also begs the question of what exactly domination is. From Marxian or Critical Theory perspectives, it can be argued that although there may be less overt political domination enforced by brute

suppression in liberal orders, people are still dominated and alienated by the economic system, backed-up by the forces of the state. Indeed, Pettit (1999, pp. 4-5) states that domination need not be from the state, but from different institutions, both private and public, and that domination could be from non-state actors. He asserts that non-domination is the condition where an individual lives in the presence of others but at the mercy of none (Pettit 1999, p. 80). The examples he cites of employers, money-lenders, bank officials and welfare clerks as likely dominators (Pettit 1999, pp.4-5), would suggest that he views economic domination as a very real concern in a liberal order. It may be that Pettit is merely criticising the excesses of a liberal political economy, but it does rather seem that Pettit is actually arguing against the fundamental basis of economic liberalism; labour as a commodity, private capital and the right (or need) to accumulate which result in these dominations.

There will likely always be some forms of domination in a liberal political economy given its central tenet of a free and competitive market, which by definition, must produce winners and losers. The effects of economic domination on freedom are more than just Marxist concerns. Cass Sunstein cites a speech by Roosevelt, hardly a firebrand Marxist revolutionary, that ‘true individual freedom cannot exist without economic security and independence’ (Sunstein 2004, p. 12). For unless an individual is financially secured, that individual is always beholden to someone else for economic security, and is then dominated by them. Economic security in the context of domination would mean more than the welfare safety-net guaranteeing a minimum standard of living common in Western European liberal-democracies. For unless the welfare safety nets are set at the standard of the person’s existing lifestyle for an indefinite period, it can be argued that people are then still dominated by their employers if they wish to maintain their existing way of life. Labour laws to mitigate economic domination of employer-employee relationships can produce the opposite results, and increase the scope of domination. Judy

Fudge argues that even during the golden era of labour law of the post-war period, such laws tend to have commitments towards the hierarchal nature of employers-workers relationships, protect managerial prerogatives and private property, resulting in workers being both economically and legally subordinate to their employers. (Fudge 2011, p.123)

Pettit's assertion that there must be equal influence on the state for coercion of the state not to count as domination can also be problematic. Although all votes are nominally equal, it is inevitable that some people should have more influence than others in a liberal order. It is in the very nature of liberal capitalism with its emphasis on the competitive market and accumulation that some will always be wealthier than others. Wealth equals more power to influence the formation of the government in a liberal order, the ultimate arbiter in the use of the state's power to coerce. A rich person would have more resources to influence government policies, for example, to threaten to cut investment or to induce favourable terms by offering to invest in certain regions/industries. Yasmin Dawood points out that in the United States, there is a connection between wealth and political voice, and that there is 'strong evidence of an increasing gap between those who have wealth and political influence, and those that do not' (Dawood 2007, p. 124). A wealthy person would also have more resources to shape the discourse to persuade other voters to support a political party with particular policies. Giacomo Corneo states that the media can be captured by the wealthy and used to manipulate voter choice (Corneo 2006, p. 38-39). In contrast, the vote of an average voter is just that, a single vote, with no other effective methods of exerting further influences on the ruling order. Even the collectivisation of average individuals in the form of trade unions or pressure groups do not much alter the asymmetries of power, for an individual is then a single voice among many within that collective, whereas wealthy persons can have their voices heard right at the top of the power structure.

It seems, then, that Pettit's ideal of freedom from domination can only be achieved within an ultra-egalitarian society, and not a liberal political economy with in-built inequities. Given that economic domination is inherent within the liberal order, it then logically follows that according to Pettit, a liberal order cannot be legitimate until this domination can be erased. What started out as a thinner concept of legitimacy with the aim of divorcing thick liberal morals from legitimacy, turns out to have criteria so stringent that it would again, delegitimise all existing ruling orders if taken to their logical conclusions. Given this, freedom from domination, as in the cases of Rawls's political liberalism, may act as the aspiration of human association and the liberal order, but may not be suitable as a practical tool for the examination of legitimacy for reasons already discussed.

It must be stressed it is not being argued here that the ideals of freedom, equality, democracy or non-domination are not admirable or reasonable. Indeed, it is felt that these ideals ought to be the standards of which human society should aspire. However, it should not be assumed that these ideals would necessarily translate into a liberal order, as people can, and do, have different concepts of how these ideals can be brought into being. What is being argued, instead, is that it is neither necessary nor useful to conflate legitimacy with thick liberal, or indeed, non-liberal, moral characteristics. The ideal theories of Rawls and Pettit's freedom from domination can be the aspirations of liberal states, or even non-liberal states searching for the best methods of human association. Furthermore, given the present excesses of Neoliberalism which have resulted in greater inequalities and poverty in both the West and in developing countries, these theories can also act as the conscience of the liberal order. However, to base the claim of legitimacy solely on these ideals would be setting the bar too high, as these

standards can delegitimise all states. Such claims leave the door open to challenges from totalitarian regimes to defend their systems on a moral basis by pointing out that liberal states are also illegitimate.

2.5 A Non-Liberal Normative Legitimation Scheme.

2.5.1 The Internalist Approach.

Since both the purely descriptive account of legitimacy and the thick liberal normative approaches seem lacking for the examination of legitimacy of states, an alternative normative account, a 'thinner', more ideologically neutral version is needed. Williams's (2015) concept of legitimacy based on political realism seems to fit the bill. Sagar (2018) describes Williams's concept of legitimacy as an internalist normative legitimacy, and this thesis will draw on Williams's ideas to formulate a thin version of normative legitimacy, one which would be suitable for the examination of the legitimacy of the Chinese state, and by extension, secular non-liberal states.

Williams (2005, pp.1-2) takes a different approach to thick morally based political theories, and distinguishes between morals and politics, at least to the extent that people ought to be able to think beyond the moral terms that belong to a particular political theory, and proposes the terms political moralism and political realism. He states that political moralism is where morals are prior to the political and can have the consequence of putting the political actors in straitjackets, as it not only has the effect of making them think in certain ways, i.e., in moral terms, but in the moral terms that are implicitly assumed or explicitly stated within a political theory. Williams rejects political moralism, and specifically, liberal political moralism, and invokes the concept of a basic legitimation demand (BLD), one which can be asserted and met without the need for political moralism, liberal or otherwise (Williams 2005, p. 8). Political realism, on the other hand, allows for greater autonomy to distinctively political thoughts. It is likely that Williams is not saying that politics should be amoral, and Alex Bavister-Gould argues that while Williams rejects the moralisation of politics, he also rejects the political as

being amoral (Bavister-Gould 2013, p.594), citing Yack (2006, p. 419) in support. Edward Halls states that Williams's political realism is not the same as *realpolitik* (Hall 2015, p.467), and Williams argues that normative standards used in politics must be sensitive to moral principles (Williams 2005, p. 77). So, in the light of this, the rejection of 'morals prior to the political' does not divorce morals from politics entirely, but just that political structure should not be erected based on some prior comprehensive moral doctrines.

The main criterion of the BLD is an acceptable solution to what Williams calls the political 'first question'. This is the securing of order, protection, safety, trust, and the conditions of cooperation. The question is the 'first' not because once answered, all questions of legitimacy are then solved, but first in the sense that it must be answered before any subsequent questions can be posed (Williams 2005, p.3). The first question in this context is drawn from Hobbes's state of nature (Williams 2005, p.3), and Ilaria Cozzaglio and Amanda Greene state that Williams is naturally drawn to Hobbes which have led Williams to state the first question in terms of legitimacy as being focused on peace and security (Cozzagilo and Greene 2019, p. 1017). Where Williams and Hobbs diverge is that Williams feels that answering the first question is only a necessary condition, rather than sufficient grounds, for legitimacy (Cozzagilo and Greene 2017, p. 1018; Hall 2015, p. 467; Bavister-Gould 2013, p.595; Sleat 2010, p. 486).

The criteria of order, protection and safety listed by Williams's first question seem self-explanatory, but what is meant by trust and the conditions of cooperation need further discussion. Given the Hobbesian nature of the first question, trust and the conditions of cooperation are unlikely to mean an equal relationship of cooperation between ruler and the ruled. It is far more likely that the trust mentioned in the first question is that the populace can

trust that they can live without fears of punishment if they follow the rules set down by the regime, and thus continued in their meagre subsistence relatively unmolested. The Williamsian first question is important to this thesis because it will be argued later that the first part of the CPC's rule, from 1949-1976, failed to secure the conditions of order, safety and trust, and therefore failing the legitimacy test at the first hurdle.

The other main tenets of Williams's internalist approach are that the people must make sense of and support the legitimisation stories being told (Williams 2005, pp.94-95), and that such acceptance must not be produced by coercion. Williams calls this the 'Critical Theory' (CT) test (Williams 2005, p.6). This need for uncoerced acceptance is based on Williams's idea that the 'power coercion cannot justify its own use' (Williams 2005, pp. 5-6), and that 'might does not imply right' (Williams 2005, p.5). What counts as coercion, however, can be very contested. Williams does comment on this but seems to have left the question hanging (Williams 2005, p.6). The question of what counts as coercion under this scheme will be discussed after the discussion on what 'making sense of' means.

2.5.2 What Does 'Make Sense Of' Mean?

Although Williams's realism approach to legitimacy seems to be more applicable to the examination of legitimacy in non-liberal states due to its more ideologically neutral stance, the main criterion, that people must make sense of the legitimisation stories being told, is rather vague. There needs to be a clear understanding of what 'make sense of' means, as without a clear meaning, all legitimisation stories can be considered to make sense to the people, and therefore if all states strive for legitimisation, then all states must be considered legitimate. This

is clearly an unsatisfactory state of affairs, and therefore it is necessary to clarify what ‘making sense of’ in the context of this thesis.

Williams’s idea that the state must justify its position of power to each individual subject, and for each person to make sense of the legitimating story (Williams 2005, P.4), is probably unrealistic if it is taken to mean that every individual must make sense of the story. Indeed, Michael Freeden dismisses this requirement by stating that it is ‘an unfeasible return to an ideal-type expectation’ (Freeden 2012, p.6). It is probably better, then, to take Williams to mean that legitimization stories are constructed to appeal to groups of individuals that have some shared interest, but that each individual may reject or accept the legitimization stories based on their own internal reasons. Furthermore, the threshold of acceptance, or ‘making sense of’ the stories’, and thus conferring legitimacy on the ruling order should be set at a majority of the population rather than by unanimous acceptance.

It should also be stressed that ‘making sense of’ in this context must mean more than understanding, as people can understand some concepts or values without supporting them. For example, people may understand the policies and rationales of, say Nazi Germany, without supporting either the policies or the rationales behind them. ‘Make sense of’ must then mean supporting or accepting the legitimization stories being told, rather than simply understanding them. However, notwithstanding those too young to count, it is still rare to find total consensus on any subject among a population of millions. The likely argument that people may disagree with specific policies but can make sense of the systems and procedures that led to these policies may seem compelling but flawed. Take, for example, the situation in a liberal order, it is unlikely that even the very broad outlines of a liberal democratic structure as the base for

the legitimation of a state is supported by everyone, as some people prefer an autocratic meritocracy, others a dictatorship of the proletariat, and still others a theocracy.

What makes sense to each individual in the context of legitimation stories, then, is hard to decipher, and certainly impossible to determine unless in-depth interviews with every citizen are to be conducted. The impossibility, or at the very least, the very high degree of difficulty, of determining each and every individual's acceptance or otherwise empirically may seem like a methodological rather than theoretical issue. However, the two must be interlinked if the concept of legitimacy is used to assess whether states are legitimate. The idea that there is a set of legitimacy criteria which a state must possess for it be legitimate, but the criteria cannot be verified in practice, would seem rather strange, and renders that whole exercise of examining the legitimacy of states rather moot.

One alternative method may be to consider that legitimation stories are easier to make sense of if they are consistent with social practices, and hard if not. Matt Sleat states that '...all that [realism] is necessary is that the regime can be presented in a manner consistent with citizens' beliefs, values, principles and norms.' (Sleat 2014, p. 326). This is a little too simplistic, for beliefs and norms can be results of coercion. Nevertheless, it does clarify the picture a little with regards to realist schemes of legitimacy. It is accepted that even with this clarification, easier and harder are still vague and not quantifiable terms, but the idea is that legitimation stories that are consistent with citizens' beliefs, values, principles and norms are more likely to be accepted than those that are in conflict. However, each on its own would not necessarily render a regime legitimate or otherwise. In the absence of empirical data of each citizen's thoughts and the infeasibility of collecting such data, the next best thing might be to consider

the rejectability of these stories. That is to say, whether the legitimating stories make sense to the people depends on the people not having rejected them despite having the ability to do so. It is also unlikely that if there is true rejectability, a regime's legitimisation stories can be in drastic conflict with the main societal values and beliefs, as the regime would either change the stories or be replaced by another who advocates values and practices more in tune with the people's sentiments. Therefore, making sense of the legitimisation story in the context of legitimacy drawing on Williams will be at the level of democracy as informed and meaningful choice set out in this chapter. This is similar to John Horton's idea that acceptability, rather than formal acceptance, would meet the standard of support (Horton 2006).

2.5.3 Coercion.

Overt coercion is plain to see, but more subtle form of coercion in the manipulation of the discourse to sustain a certain power relationship is harder to decipher. Mill (no date; location 328) argues that coercion can be in the form of public opinion, and public opinion can be influenced by the discourse. It has already been pointed out in the discussion on democratic legitimisation that language and discourse can shape norms, values and power relationships. Manipulation of the discourse in the form of the suppression of alternative voices or extreme asymmetrical access to the discourse should, therefore, count as coercion in the context of legitimacy. Furthermore, the monopolisation of information would also count as undue manipulation, and therefore a form of coercion. Information is monopolised in the context of political legitimacy when the flow of information is restricted by the state and people are only allowed to access information that supports the regime's narrative. To include manipulation of the discourse as a form of coercion fits in with the one of the central tenets of Critical Theory to look for reasons behind existing power structures (Burchill *et al* 2013, pp.160-161), and also addresses the criticism by Freedman that the Williams scheme ignores the 'discursive power of

politico-ideological language' (Freedon 2012, p.6). This thesis, will then, answer Williams's open question as to what counts as coercion, by extending Williams's CT test to include undue manipulation. Due and undue in this context would mean that there should be no restriction on the freedom of information as set out previously with the limitation set out by appealing to Mill's limitation of freedom. If this is not met, any manipulation should be considered undue. Hence, the modified Williamsian CT test is that the acceptance of a legitimization story must not be produced by coercion or *undue manipulation*. If the conditions of the first question and the modified CT test are met, a regime is then legitimate. A non-liberal order, in this context, can be legitimate if it passes the BLD and the CT test.

That said, Williams does make the comment that legitimacy plus modernity equals liberalism (Williams 2005, p.10), thus appearing to state explicitly that a non-liberal regime cannot be the legitimate ruling order of a modern state. This idea that all legitimate modern states must be based on liberalism seems on the surface to be a prime example of Western arrogance on the part of Williams. However, when examined more closely, what Williams seems to be saying is not that states must be liberal to be legitimate, but just that all legitimate states happen to be based on liberalism through accidents of history. There is a major difference between the two concepts. Instead of stating that political legitimacy must be based on liberalism, what he is asserting is that only liberal orders have passed his test of legitimacy so far, but there are no fundamental philosophical reasons to prevent non-liberal orders from doing so. Indeed, Williams's internalist approach to legitimacy seems to have universal applicability, in that it does not presuppose any ideologies as being necessary for the legitimization of a ruling order. Hence, it can be useful as a theoretical framework in the examination of the legitimacy of regimes spanning cultures and across the political spectrum.

A further point to note is that the internalist approach to legitimacy, that if the ruled accept the legitimacy of a ruling order, it therefore is legitimate, appears similar to the purely descriptive approach. The difference, according to Sagar (2018), is that while externally, such an approach may seem to be descriptive, individuals have their personal internal normative reasons to either accept or reject a particular legitimization story, hence it is an 'internalist' normative concept of legitimacy. This thesis will, however, argue that the BLD and the modified CT test can also give the approach some external normative criteria. The BLD, as already discussed, requires the state to provide an acceptable solution to the political first question. The CT test states that people must not be coerced into accepting the legitimization stories, while the modified CT test developed by this thesis has added 'by undue manipulation' to the criteria. That is, people must be supplied with the relevant information, and have the freedom to think and debate the merits of the legitimization stories being told. This approach would require the state to abide by external, verifiable criteria of freedom of choice, plus broad freedoms of expression and conscience. These normative criteria would answer the concerns raised by critics, such as Connally (1984a), of the purely descriptive approach concerning the justification of people's beliefs in the legitimacy of the ruling order.

The refined Williamsian approach in examining the legitimacy of states, then, would avoid the somewhat absurd situation that can happen when using a thick liberal normative scheme. That is, where a ruling order that meets an alternative, non-liberal form of legitimization, and which has the support of its people, being condemned as illegitimate by outside observers with different cultural traditions. The situation would be absurd because as Barker (2012, p.12) argues, legitimacy should be determined by '...the democratic or humble assumption that the

observable conduct of ordinary and extraordinary people has a validity independent of the assessments and preferences, however reasonable or admirable, of the observer’.

The extended version of Williams’s scheme of legitimacy seems to resonate with the Habermasian ideal speech situation. This states that competing ideas must be given equal access to data and freedom to evaluate each other's methods of research, competence, and sincerity (Gottlieb 1981, p.283). The criteria of equal access listed so far would be fine, but ought not to be confused with equal influence of the discourse in the form of transmission of ideas, which would be a step too far. While it is accepted that freedom of expression of ideas must not be suppressed or denied unduly, the demand for equal access of transmission is likely not possible in a liberal order with its in-built inequalities. An example of unequal access of transmission would be the ability of a newspaper proprietor to disseminate information compared to an individual. To insist on the criterion being met in the context of legitimacy would be rendering all liberal states illegitimate. With that made clear, both Habermas and Williams can be used to argue that any consent should be informed and freely given for the consideration of legitimacy to be valid. Given this, the next section of this chapter will argue that the ideas of Habermas on legitimacy can be usefully combined with the modified Williamsian approach for the examination of legitimacy.

2.5.4 Habermas and Legitimation Crisis.

Given the numerous subjects on which Habermas has written, it was decided to mainly focus on his thoughts of legitimacy based on his book *Legitimation Crisis* (Habermas 1992). The basis of Habermasian concepts of legitimacy in this context is related to the social-integrative preservation of a normatively determined identity. That is, social norms and values are the

main glue which holds society together. The assertion of these norms and values by the ruling orders serves to make claims of legitimation valid. The possibility of legitimation crisis can arise when social integration and political legitimation in accordance with normative justifications of a society are transformed to purely systemic integration under late capitalism (Borman 2011, p.133). This is similar to the idea that legitimation stories are harder to accept if they are in conflict with societal norms and values discussed earlier in this chapter, and that a realist scheme of legitimacy works best when it is in accord with societal norms and values. In more specific contexts, the Habermasian claims are that the tendencies to crises are due to pre-capitalist morals which capitalism has relied on being steadily displaced in late capitalism (Plant 1982, p.341). The lack of an internalised set of values means functions of the state, such as economic management, become the main glue holding society together. Economic management as a function of the state is, therefore, essential to the legitimacy of a late-capitalist society.

Given the lack of an internalised set of values in late capitalism, the danger of a legitimacy crisis is therefore ever present, despite the legality of the ruling order. However, the promises of some sort of rewards, for example financial or security incentives, can encourage citizens to put that question of legitimacy aside (Borman 2011, p.133). That is, incentives, such as financial rewards as a result of economic growth in the economic sphere, or stability and security, can balance the inherent legitimation deficits in a purely systemic integration society. If, however, the political order for whatever reason fails to deliver the promised rewards, then legitimacy deficits may lead to a crisis of legitimacy that can threaten the stability of the political order, unless legitimation can be supplied in some other form.

Habermas goes on to assert that legitimacy can also be lost and '...crises arise when the structure

of a social system allows fewer possibilities than are necessary to the continued existence of the system' (Habermas 1992, p.2). This seems to suggest that where a system is not delivering the results expected from society, and cannot be restructured to do so, a crisis of legitimacy in the system will arise. Normative justifications of a society in late capitalism have been transformed to purely systemic integration, therefore it is the performative aspect, for example the economic system, that is primarily responsible for social integration. Ideological contradictions in the socio-cultural sphere can also become catalyst of crisis. Habermas notes that where 'The contradiction exists between validity claims of systems of norms and justifications that cannot explicitly permit exploitation, and a class structure in which privileged appropriation of socially produced wealth is the rule', crisis will arise (Outhwaite 2009, p.63).

Under this scheme of legitimacy, economic crisis can be compensated by supplies of motivation from the socio-cultural systems, and legitimacy deficits in the political and/or socio-cultural systems can be compensated by consumables, ie., the economic system. The substitutive relationship between scarce resources, values and meanings, is therefore decisive for the prediction of legitimation crisis (Habermas 1992, p.93). For example, legitimacy in the political sphere can be supplied by political participation based on universal suffrage, and this may be sufficient to make up for legitimation deficits in the economic system (Habermas 1992, p.58).

Habermas's idea that internalised values can help to sustain legitimacy is reflected in Williams's concept of internalist normative criteria. While Williams's idea that the legitimation stories must make sense to each individual has been discussed and found unrealistic, the notion that there must be shared values for the legitimation stories to make sense nevertheless seems solid. The main problem with Habermas's analysis of late-capitalist society,

however, is that it rests on some very big assumptions. The first is that in pre-capitalist times, people were happy with their lot due to some internalised values, rather than being held down by the coercive force of the state, either by overt oppression, or by the strict control of the discourse. Secondly, while it is probably true that a set of common internalised values can help to sustain stability in society and legitimacy of the ruling order, and that moral values have most probably changed since pre-industrialised times, the big assumption here is that there have been no new values in late capitalist times that can serve the same functions. *Legitimation Crisis*, in Habermas's own words, is an incomplete piece of research, and so the assumptions here are unproven (Habermas 1992). That said, what is really interesting are the ideas that shared values can help to make the legitimation stories easier to make sense of, and that legitimacy can be traded for promises of rewards. The argument being made by Habermas is that without a set of shared, internalised values, or where societal practices conflict with the state values of the legitimation stories, there will likely be a legitimacy deficit. Such deficits, however, can be compensated by the promise of rewards, with the implication that should the promises not being honoured, both set of circumstances combined will likely to be the catalyst to a full-blown legitimacy crisis.

The most useful aspect of the Habermasian ideas of legitimacy in the context of this thesis is the concept that there is a substitutive relation between scarce resources, values and meanings. This is helpful in the analysis of legitimacy not only of late capitalist societies, as was originally envisaged by Habermas, but the substitute of legitimation in different spheres of society can also be very useful in assessing empirical questions of legitimacy in liberal as well as non-liberal regimes. The interchangeability between values and the promise of rewards can be seen as an empirical claim, but as Habermas was writing about a late capitalist society, which implies

a liberal capitalist order with developed democratic structures, the promise of rewards can form part of the legitimating story and therefore enjoy normative democratic legitimation if accepted by citizens. That is, although citizens may not make sense of the values contained in the legitimation stories, they may nevertheless overlook any unease or the contradictions between the stated values and societal practices by the inducement of the promised rewards. In this context, it can be said that the promise of rewards has resulted in the people accepting that the legitimation stories do make sense. Such acceptance would confer legitimacy onto the regime. In regimes which fail the democratic legitimation test (in term of rejectability or the CT test), the promise of rewards may be used as self-legitimation by rulers, and also can make the populace easier to rule, albeit in an illegitimate manner.

Although Habermas's writing on legitimacy in *Legitimation Crisis* is largely concerned with legitimacy issues of a late-capitalist society, much of it seems to be directly relevant to present Chinese conditions. The assertion that values and norms that held society together have been changed or displaced, and their role has been taken over by state functions in the form of performative legitimation resonates strongly with present conditions in China. Furthermore, the observation that legitimacy can be lost due to a clash of values between stated societal values and practices seems remarkably like a direct comment on the situation in China, given the inherent contradictions between the stated Marxist values of the ruling CPC and the increasingly capitalistic economic system. This aspect of Habermas's concepts of legitimation crisis, then, would be a useful tool in the examination the legitimation efforts of the CPC.

2.6 A Viable Framework for the Examination of Legitimacy of the Present Chinese State.

The discussion so far has indicated that Habermas's thoughts on legitimacy in *Legitimation Crisis* have strong resonance with Williams's approach to legitimacy. Both are universal in that the legitimacy of a state does not depend on any particular ideology. The Habermas assertion that conflicts between societal values and practices would lead to legitimation deficits would in a Williamsian context mean that the legitimation stories no longer make sense to the people. Furthermore, the Habermas statement that the promise of some sort of rewards can encourage the people to put aside the issue of legitimacy can be stated in the William context by treating the promised rewards as part of the legitimation story that would make sense to the people, and help them to overlook other parts of the story that might make less sense. These, taken together with the similar emphasis on the performative aspects of BLD and the Habermasian idea of the substituting of legitimation from different spheres of society, would strongly suggest that a complementary relationship exists between the legitimacy ideas of Habermas and Williams. It has been decided, therefore, to fuse the Habermasian ideas of legitimacy with the approach of Williams into a combined theoretical framework.

The overriding feature of the combined framework is its universality in the normative sense in that it meets the minimum stipulation of informed and meaningful choice of the people set out in this chapter for what counts as political legitimacy, yet does not further presuppose any ideologies as being necessary for the legitimation of a ruling order, and so can be useful in the examination of the legitimacy of regimes spanning cultures and across the political spectrum. That is, the BLD in the form of the first question and the CT test to examine whether people make sense of and support the legitimation stories being told without being coerced or unduly manipulated into doing so can confer legitimacy on ruling orders regardless of their ideological

stances. The concept that values, meanings, stability and scarce resources are interchangeable in the context of legitimation of a ruling order can be useful to examine the effectiveness and limitations of a regime's responses to legitimacy challenges, and for informed discussion of the regime's stability.

It must be stressed that universality in the context of this thesis does not mean neutral. It is doubtful whether any normative system can really be neutral, indeed, as Robert Cox (1981, p.128) notes, 'theory is always for someone and for some purpose'. Instead, the concept of popular sovereignty was chosen as the minimum normative standard for political legitimacy is based on the fact that the concept is invoked across the political spectrum and spans cultures. As already discussed, all secular states pay lip service to this ideal, and the Chinese Government in particular, invokes the concept of popular sovereignty as the basis of its legitimacy. It is therefore reasonable to use this as the basis of legitimacy in the context of this thesis for the examination of political legitimacy of the CPC. The adapted Williamsian-Habermasian legitimacy framework meets the minimum standard of popular sovereignty in the context of this chapter, and unlike the thicker liberal normative legitimacy schemes, does not impose conditions on what legitimation stories are normatively acceptable. For example, it makes no further claim for any fixed set of morals except popular sovereignty as discussed, nor in the way people should choose to organise their society or how to distribute the wealth created. In other words, the only requirements are a stable society (the BLD), and that the people understand and freely support the legitimating stories, but not what those legitimation stories should be. This is in stark contrast to the thick liberal normative legitimacy schemes, which would only render the exercise futile as any analysis of legitimacy of the CPC based on thick liberal criteria would be rather short.

The combined framework will be used to examine the legitimacy of the CPC in Chapter Five. Given the state of the Chinese economy and the progress in living standards since the reforms began in 1978, it is taken that the present regime has successfully answered the political first question. The first test of legitimacy, therefore, is whether the people make sense of the Marxism side of the legitimation story given present societal and economic norms. This will be followed by an examination whether conditions exist for the people to accept the legitimation stories being told without coercion, the CT test. The focus will be on whether the stories are coherent with societal practices and therefore capable of being understood without cognitive dissonance. That is, are there conflicts between societal practices with the stated values of the legitimation stories? The Habermasian side of the framework, that values and norms can be traded for incentives to gain the attributes of legitimacy, will be used to examine the effectiveness and limitations of the CPC's legitimation efforts based on economic performative legitimation to counter any possible legitimacy deficits caused by potential conflicts between its stated values with societal practices. The framework will also be used to examine alternative forms of ideologically based legitimation stories that could be understood and accepted by the Chinese people to offset any legitimacy deficits.

Having made the case for the theoretical framework, the next chapter will discuss the historical perspectives of legitimacy in a Chinese context, for to understand why people would be more susceptible to accept certain legitimation stories than others, it is necessary to know how they got to the present juncture.

Chapter 3: Historical and Contemporary Perspectives of Legitimacy in the Chinese Context.

3.1 An Overview.

In order to understand why people might find certain legitimization stories make more sense than others, it is necessary to understand their experiences at arriving at the present. In the context of China, it is necessary, then, to understand some of the historical events of China that have shaped and influenced ideas throughout history, and which have persisted to the present in order to fully understand modern China (Suddath 2006, p.217; Liang 1930, p.8). The most important events that have shaped and influenced contemporary Chinese political ideas arguably occurred during the so-called ‘century of humiliation’ from 1839 to 1949 (Zhao 2015; Kaufman 2010; Scott 2009; Callahan 2006, 2004; Gries 2005). Chinese political ideology, however, did not start from a vacuum in 1839. The shock of Western military, economic and ideological incursions into a weak Qing empire have led the reappraisal and rejection of some long-held Ming-Song Confucian ‘self-evident’ truths by Chinese intellectuals and the ruling elites, but they also seem to have reinforced some ideas which stretched back to the Chinese Axial-age, and which still seem to be present in the modern Chinese legitimacy discourse.

This chapter is not intended as a discussion on all the different interpretations of Confucianism, nor an exhaustive list of political ideologies or political events throughout the imperial era, as this will be far beyond the scope of this chapter, and for the latter, this thesis. Hence, the discussion in this chapter will be focused only on some of the main ideas that have shaped Chinese political thoughts throughout the ages, and which still seem have some relevance in the modern Chinese legitimacy discourse and which can affect the construction and acceptance of legitimization stories. The discussion on the various interpretations of Confucianism will take

place in Chapter Six and Nine. The main political ideas to be discussed in this chapter are: The first question from a Chinese perspective, the great unity (大一統), mandate of heaven (天命), political hierarchies based on patriarchal lines (君臣父子) and the ideal of the sage king (內聖外王).

The first part of this chapter will discuss the rise of Chinese Axial-age, which can be described as the first flowering of Chinese philosophy (Schwartz 1975; Eisenstadt 1982). The ideas formed under the Spring-Autumn and Warring-States periods have influenced and shaped Chinese political thought for nearly two and a half millennia. This will be followed by a brief discussion on the main development of Confucianism during the imperial era. The next part of the chapter will discuss the narrative of the century of humiliation and its effects on Chinese political discourse which have persisted up to the present. The start of the century of humiliation is generally taken to be the defeat by Great Britain in the First Opium War (1839-1842). It seems more likely, however, that the Second Opium War (1856-1860), when Anglo-French forces stormed Beijing and burned down the Summer Palace, was the start of Chinese reflections on the relevance of Song-Ming Confucian ideologies within a modern world order (Elstein 2015). The actions of the Anglo-French forces fully exposed the weakness of the Empire when compared to Western powers and sowed the seeds of doubt to the Qing assumption of the 'natural superiority' of Song-Ming Confucianism among Chinese intellectuals. The doubts over the relevance of Song-Ming Confucianism as a political ideology for a modern Chinese state were further exacerbated by the humiliating defeat in the First Sino-Japanese War (1894-1895) and the Boxer Rebellion (1900). The end of the First Sino-Japanese war to the founding of the PRC in 1949 will form the focus of the third part of the chapter. This will discuss the context of legitimacy from the perspective of an ideologically confused society searching for a suitable political ideology for the rejuvenation of China. This

chapter will demonstrate that some Chinese traditional ideas of legitimacy and the narrative of the century of humiliation have greatly impacted on the construction of legitimation stories in China since the fall of the Qing empire.

3.2 The Chinese Axial-age and Confucianism.

The Chinese Axial-age saw the flowering of early Chinese philosophy (Schwartz 1975; Eisenstadt 1982). The period occurred during the latter part of the Zhou Dynasty (1046-256 BCE) into the Spring-Autumn period (*circa* 771-476 BCE). The authority of the Zhou royal house was collapsing, and different feudal lords were vying for supremacy with little regards for the nominal Zhou overlord. The political and social chaos of this era saw different thinkers proposing different solutions to the problem of political and social instability; the famous ‘various master and the hundred schools’ (諸子百家). This was paraphrased by Mao in 1956 into ‘let a hundred flowers bloom and the hundred schools flourish’ (百花齊放 百家爭鳴) as a slogan for his policy to liberate the art and academic discourses, but which culminated in the repression of the Anti-Rightist Campaign in 1957. The adaptation of old phrases and fables by contemporary people shows the importance of understanding historic events to better understand the present, especially in the context of China with its claim of an un-broken 5000-years of history. While it may be churlish to speak of the ‘cultural DNA’ of a people, it is nevertheless true that certain cultural memes in the form of folklores, books, poems and fables are very often reflected both in the elite and the popular discourses, which can help to shape social norms and perpetuate ideas. Such norms and ideas can affect both the construction and acceptance of legitimization stories.

The so-called ‘hundred schools’, can in reality, be categorised into 4 main schools of thought: Confucian, Legalist, Daoist and Mohist (Hsiao 1979). Given the dominant position of Confucianism throughout much of the Chinese imperial era, it would be expected that the main ideas which have influenced Chinese political legitimacy would be Confucian. This, however, is not always the case. Although it is claimed with strong justification that Confucianism in

various forms have been the hegemonic ideologies for two thousand years of imperial history (Xu and Wang 2018; Tong 2000), much of the ideas of other schools have been incorporated into the Confucian orthodoxy by re-interpretations throughout the ages to better reflect the social conditions of the time. Confucianism has especially been mostly associated with legalism, as the two seemingly opposing philosophies are intertwined to such an extent that Chinese political rule during the imperial era was said to be based on a Confucian façade with a legalist core. This may be due to that *Han Wudi* (漢武帝, 156-87 BCE) was very much a legalist, and the legalist policies continued after he had adopted Confucianism as the official state ideology (Cheung 2000; Li 1997, pp.66-69). Legalism is a school of thought that advocates that the key to social order and a powerful state is based on a set of clearly stated, but harsh and repressive laws, and a powerful ruler which is not subjected to those laws, but ensure supremacy through the application of these repressive laws (Helliksen 2002).

Whether the fusion of legalist and Confucian ideas can be considered ‘true’ Confucianism is a moot point, for Confucianism has been re-interpreted so often that almost any position can be supported by some Confucian tenets. The most revered rulers in Confucian tradition, for example, are the kings *Yao*, *Shun*, *Yu* and *Tang* (堯舜禹湯). The first two of these kings are likely to be mythical figures, and revered because according to Confucian mythology, rather than passing their rule on to their sons, they selected the most virtuous figures and appointed them as successors, from *Yao* to *Shun*, and *Shun* to *Yu*. The disowning of political hereditary rights of rulers can, then, be considered the highest form Confucian moral virtue in rulers, yet Confucianism has been systemically used to legitimatise dynastic successions throughout the imperial era. The ultimate Confucian ideal of choosing rulers by their virtues and abilities is democratic in nature, and based on the *Book of Rites* (*Liji*, *Li Yun* 禮記, 禮運), in which it is

stated that in the ideal Confucian society of the *datong* (大同), ‘The way of the great *dao* is that all under heaven belongs to all, and officials are chosen based on their virtues and abilities’ (大道之行也，天下為公，選賢與能)⁴. Democratic sentiments of these nature contained in classical Confucian texts have led some second generation of New-Confucian thinkers such as Mou Zongsan to argue that democratic values are inherent within Confucianism (Mou 1991). Whether Confucianism is democratic in nature, or at least can be used to support democracy, despite the common perception that it is a political ideology based on strict hierarchies as exemplified in the concept of kings, officials, fathers and sons (君君, 臣臣, 父父, 子子) each knowing their place in society, will be discussed in greater detail in Chapter Nine, the point being made here is that Confucianism can be interpreted with contradictory meanings.

The selective use of Confucian texts to give moral legitimacy to regimes is exacerbated by the lack of punctuations in classical Chinese, so that even the same passage can be interpreted in contradictory ways, depending on how the passage is broken up. A good example of this would be ‘民可使由之，不可使知之’, which has been traditionally interpreted to mean that the ‘citizen should obey, but not to know’ (Luan 2016, p.175). However, Luan argues that the same phrase can also be interpreted as ‘citizens should be guided, but not forced’ by breaking up the sentence differently and by close textual analysis. The fact that reasonable interpretations of the same Confucian text can result in contradictory meanings shows that it is difficult to define ‘true’ Confucianism.

⁴ The interpretation of *Gong* (公) is contested. Some authors interpret it to mean a fair or just society with no necessary reference to ownership or democracy. This thesis will interpret it as a common ownership of the world, in that all under heaven (the world) belongs to all. Full discussion and justification of this interpretation will be presented in chapter 8.

3.3 Traditional Ideas of Political Legitimacy Still Relevant in the Modern Legitimacy Discourse.

3.3.1 *The First Question from a Chinese Perspective.*

Williams's (2005, p.8) BLD takes legitimacy to be important only after the first question has been answered, that is, in a functioning society with some basic agreed conditions of rules and cooperation, and that citizens can trust the state to abide by the rules it had laid out. The condition of trust between the state and the populace is also paramount in Chinese tradition. It is stated in the *Analects* that the most important attribute of the state is trust between the government and the people. The relevant passage reads (*The Analects* 論語, Yan Yuan 顏淵):

'Zigong asks about governance. The Master replies, "Sufficient food, a strong military and trust." Zigong asks, "Which of these can be discarded if necessary?" The Master replies, "Military." Zigong asks further, "Which of the remaining two can be removed if forced to choose?" The Master replies, "Sufficient Food. People have died throughout the ages, but a state cannot function without trust (子貢問政。子曰：「足食。足兵。民信之矣。」子貢曰：「必不得已而去，於斯三者何先？」曰：「去兵。」子貢曰：「必不得已而去，於斯二者何先？」曰：「去食。自古皆有死，民無信不立).'

It is not made clear in this passage what form of trust is necessary for the function of a state, whether it is a trust in the people that the state will always act on their behalf, or more in the Williamsian context discussed in the last chapter. Given the practices of the successive imperial dynasties throughout China's two millennia of imperial history, however, it is usually interpreted as the latter. That is, a population need to trust the state not to interfere with them further if they comply with the rules set out by the state.

The first question in the form of subsistence is stated in the form of ‘ritual propriety can only be realised when the grain silos are full, honour and shame are only known when the people are clothed and sufficiently fed’ (倉廩實而知禮節，衣食足而知榮辱). There can be debate whether the grain silos must be full or merely adequately filled for the purpose of feeding the populace, but the main thrust of the passage is that it is pointless to talk of rituals or honour until the problem of subsistence of the people is solved. This passage is taken from Legalist Classic, *Guanzi, Mu Min* (管子, 牧民). Although this is based on the Legalist school, the fusion of Legalism and Confucianism during the early imperial era means that this form of the first question was a condition of legitimacy. This can be further supported by the passage in *Shiji, Biographies, The Biographies of Li Sheng and Lu Jia* (史記, 列傳, 酈生陸賈列傳), in which it is stated that:

‘Those who know the way of heaven would be succeed in being king, those who do not would fail. A king would consider the people as the heavenly way, while the people would consider having sufficient food as the heavenly way (臣聞知天之天者, 王事可成; 不知天之天者, 王事不可成. 王者以民人為天, 而民人以食為天).’

The need for the first question to be answered as a necessary condition of legitimacy, then, has a long tradition in Chinese legitimacy discourse. The long continuous history of China includes not only of sage kings and glorious empires, but also of long periods of chaos in the form of civil wars and dynastic cycles, corrupt and/or incompetent governance, and invasions of nomads from the Asiatic Steppes. One of the phrases that best sum up this traditional yearning for order and stability is from the Ming novel, *Eternal Words to Awaken the World* (醒世恒言): ‘better to be a dog in peace time, than a person during times of chaos’ (寧為太平犬, 莫

作亂離人). The legitimacy of imperial regimes, would then, depend very much on whether it can provide the stability needed. Hence, the traditional Chinese concepts of legitimacy in the form of the first question are trust, solving the problem of subsistence and stability. Although this sets the bar of legitimacy very low, it must be remembered that expectations of a mainly illiterate population in an agrarian empire can be very different from the population of a modern industrialised state with far higher levels of education and literacy. That said, stability remains a necessary, though not a sufficient, condition of legitimacy in modern societies, and is prevalent in the modern Chinese legitimacy discourse.

3.3.2 *The Great Unity.*

Of all the ideas from the Chinese Axial-age, the idea of the great unity seems to be the most important in the context of the influences on Chinese history and arguably, in modern Chinese legitimacy discourse (Ma 2013; Pines 2000). The idea of the great unity is more than the unification of a state under a central political authority, in other words, more than sovereignty over defined borders, but is concerned with the standardisation of culture and ideology (車同軌，書同文，行同倫), which are the standardisation of the width of carts axles, the written script, social norms and ethics.

The idea of an all-encompassing kingdom can also be said to be based on Confucianism, in which it is stated in the Book of Poetry that all land under heaven belongs to the king, and all people are the king's subjects (普天之下，莫非王土) (Book of Poetry, Minor Odes, Decade of *Bei Shan* 詩經，小雅，北山之什). The concept, however, was only realised by the unification of the empire by the legalist state of Qin. Although contemporary Chinese discourse tends to label the Chinese imperial era as being based on 'feudalism' (封建), the

unification of the empire saw a marked change in the Chinese political system which has been followed by all succeeding dynasties including the present CPC regime. Feudalism under the Zhou, in the context of the king granting lands in his possession to the nobles to establish their states (封建, or 封土建國), in which the officials and people of these states own their fealty not to the king, but to the nobles, was replaced by the Qin system of a centralised bureaucracy of provinces and counties (郡縣制).

The great unity can be seen as instances of Chinese nationalism and exceptionalism that stretches far back in history, and which still seems to affect modern Chinese political discourse, although it is based less on the ethnic aspects, but more a form of cultural nationalism (Kong 2007; Gao 2017). The idea of an all-encompassing cultural empire, in which ‘all under heaven’ (*tianxia* 天下) is ruled by a single central authority under a culturally hegemonic ideology was also inherited by the Han Dynasty (206 BCE-220 CE) in their adoption of Confucianism as the only state-sanctioned ideology after the fall of the short-lived legalist Qin Empire. The concept of *tianxia* has three main meanings, one modern and two historical. The modern context is based on Zhao Tingyang’s idea of a new paradigm of international relations to replace the Westphalian model of equal sovereign states (Zhao 2006). The historical contexts of *tianxia* are Sino-centric views of the world. Yuri Pines states that the concept of *tianxia* originated during the *Chunqiu* (春秋) period which gained prominence during the Warring States (戰國) period, and denoted the territorial and cultural extent of the *Zhou* kingdom and its feudal vassals (Pines 2002, pp. 101-104). Territories outside of the *Zhou* realm were not considered ‘civilised’, and therefore, not part of *tianxia* (Pines 2002, p.104). June Teufel Dreyer states that during imperial times, the traditional *tianxia* system was based on a purported state of *Pax Sinica*. It was a hierarchal relationship between a dominant and other subordinate states, in

which the son of heaven (the Chinese emperor) received tributes from the lesser states (Dreyer 2015, p. 1015). This thesis will use *tianxia* in the *Pax Sinica* context unless otherwise stated.

The modern Chinese official legitimacy discourse with its heavy overtones of nationalism and Chinese exceptionalism (for example, the Chinese Dream and the adding of the suffix ‘with Chinese characteristics’ onto different ideologies to allow for the ‘distinctiveness’ of Chinese cultural conditions), seems to feed directly into the concept of the great unity.

3.3.3 Mandate of Heaven.

The great unity seems to have a nice symmetry with the concept of the mandate of heaven. Rulers rule a culturally homogeneous empire by the grace of heaven. This was then further developed by the Han Confucians in a set of rituals based on Confucian ethics, and the concept of ‘heaven and people interaction’ (天人感應), in which heaven would first warn any rulers who deviate from the accepted Confucian ethics with natural disasters, and finally withdrawing the mandate if these warnings are not heeded (Cheung 2000). In truth, the mandate of heaven is more likely a moral façade that political power comes out of the barrel of a gun (or the point of a spear), and helps to legitimise usurpers and rebels who succeeded in overthrowing the existing ruling order. A good example of this would be the case of Emperor *Taizong* of the Tang dynasty (唐太宗 598-649 CE), who murdered his elder brother the crown prince in a bloody coup and forced the abdication of his father in a separate bloodless palace coup not long after. These acts are cardinal sins under the Confucian ethics of filial piety, as he both rebelled against his Emperor and his father, and murdered his brothers (殺兄逼父), which surely would not grant him favour in the eyes of heaven. Yet he is lauded by most Confucian historians as

a sage emperor, and his rule held up as an example to future emperors in the running of the empire (Bai 2011; Wang 2003). This shows that the mandate of heaven is the moral justification of a cynically performative criterion, the ruler must have the mandate by the virtue of being the ruler. In other words, ‘succeed and become a king, or fail and become a bandit’ (成王敗寇). The claiming of the mandate, then, can serve both as a legitimation story and as the self-legitimation of rulers.

3.3.4 Patriarchal Hierarchy and the Inheritance of Power.

Chinese history throughout the imperial era has been a strict hierarchy based on patriarchal family line. The hierarchies were based on Confucian concepts, in which the emperor was literally considered the father of the empire (君父), and his wife the empress, mother of ‘all under heaven’ (母儀天下), while local officials are known as ‘father and mother officials’ (父母官), thereby treating the ruled as children. It is doubtful whether patriarchal hierarchies of the state still have much relevance in modern popular Chinese legitimacy discourse, but a hierarchy based on officials holding government positions still seem to be accepted among the ruled, and that status is derived from being a government official is accepted by much of Chinese society, in what is known as ‘Official Position’ (官本位) sentiments (Ma 2014; Chen 2014; Guan 2012; Zhang 2011). There also seems to be a residual of paternalistic sentiments in the mind of some Chinese officials to treat the ruled as children. An example of this is the interview given by Carrie Lam, the Chief Executive of Hong Kong, on TVB (a local Hong Kong TV station) in support of her proposals for the extradition bill to China which drew huge protests against the bill in Hong Kong. She stated that as a mother, she would not indulge her children’s demands if they resulted in harmful consequences, and that the children would later regret being indulged (Ng 2019).

The patriarchal hierarchies would naturally presuppose hereditary rights, and hereditary rights in the economic sphere seem to cause little controversies in either Chinese or Western societies, as while there might be debates on the rates of inheritance taxes, the idea that children should benefit economically from the wealth accrued by the parents seems to be generally accepted. However, while the right to inherit political power seems to have been almost totally repudiated in the West, this do not seem to be the case in some societies with Chinese cultural influences. Although there may be debates about the power of constitutional monarchies, it is generally expected that any reserve powers held by Western constitutional monarchies should not be used and should be purely ceremonial. The situation in China, and in societies with strong Chinese cultural influences, such as Singapore and North Korea, is more complicated. At least well into the 20th Century, the idea of the inheritance of political power held sway in these societies. Some second-generation Chinese Communist Party officials, or ‘Princelings’ (紅二代, 太子黨) have expressed the sentiments that they have a right to rule as it was their forebears who have made sacrifices in the founding of the People’s Republic (Lui 2014). The fact that current high-level officials are often the children of first-generation revolutionaries would suggest that these sentiments are reflected in practice. For example, Xi Jinping’s father, Xi Zhongxun (習仲勛 1913-2002), was an old guard of the revolution, and part of the first generation of elite leaders in the People’s Republic. Chiang Kai-shek (蔣介石 1887-1975) in Taiwan was succeeded by his son Chiang Ching-kuo (蔣經國 1910-1988), and the succession was long in its planning (Jacobs 1974). Even purportedly liberal democratic Singapore now has a second-generation Li in charge. Whether the idea of hereditary of rulers can be acceptable to the ruled in a modern society is very much up for debate, but the practice is nevertheless present in some modern societies with Chinese cultural influences.

3.3.5 Sage Kings and Corrupted Officials.

The ideas of the great unity, the mandate of heaven and the patriarchal hierarchy with Confucian influences would seem to have resulted in the idea of the sage king, or in Confucian speak, inward sagesness and outward kingliness, and place the ruler beyond reproach. This concept is co-opted from the work of the Daoist thinker, (*Zhuangzi*, Miscellaneous Chapters, *Tian Xia*). The term *Zhuangzi* is both the name of the philosopher and his work on Daoism. The concept of inward sagesness and outward kingliness states that sage-kings have outstanding personal cultivation of Confucian ethics and respect for the correct rituals, which are then manifested outwardly as benevolent rule (Guo 2002, pp.3-4). This reverence and semi-deification of the ruler has meant that in almost all cases, the ruler is beyond criticism, and any faults in the governance of the empire are the results of corrupted or incompetent officials, and the ruler is at worst, blamed for being misled by these officials. That the ruler is beyond criticism is best summed up as ‘the son does not mention the faults of the father, nor the officials reveal the sins of the emperor’ (子不言父過, 臣不彰君惡), in the popular Ming dynasty fiction, the *Investiture of the Gods* (封神演義). Indeed, the traditional Chinese rallying call of most uprisings is 清君側, to rid the court of corrupted officials, rather than as outright rebellions against the emperor. This reverence for the ruler has remained within modern Chinese society. The tragedy and chaos of the Cultural Revolution were blamed on the ‘Gang of Four’ with Mao either unmentioned or treated as an innocent bystander (Dittmer 1996, p.6), while the resulting famine of the Great Leap Forward which resulted in up to 40 million deaths were summarised by Deng Xioping as ‘setbacks and mistake’ during a generally good period of achievements (Deng 1984, p. 288, cited in Joseph 1986, p.422) rather than admitted as a man-made disaster created by Mao’s policies. Another good example of the reverence for the ruler that still lingers in modern Chinese legitimacy discourse is the use of ‘萬歲’ (ten thousand

years), which is usually translated as ‘long live’ in English, as in ‘Long live Chairman Mao 毛主席萬歲’. The term ‘萬歲’, however, has a totally different connotation in Chinese, as it was a title reserved for emperors during the imperial era, and is often interchangeable with the title ‘emperor’ in informal usage. Although the same phrase has also been used in modern times to promote abstract ideals or the state, such as 世界人民大团结万岁 (long live the unity of the people of the world) 中华人民共和国万岁 (long live the PRC), to elevate a living leader to the status of 萬歲 given the strong imperial connotations of the term would strongly suggest that sentiments for an authoritarian, strong leader with regal status still linger in parts of Chinese society.

3.4 The Development of Confucian Values and Rituals as Legitimation.

3.4.1 Development of Confucianism to the Mongol Yuan Dynasty.

These traditional ideas of legitimacy, based mainly, though not exclusively, on Confucian thoughts, resulted in a unique Sino-centric form of nationalism based less on ethnicity but on an all-embracing ‘culture’. This was augmented by the introduction of meritocratic ideas in the form of competitive exams for entry into the ruling hierarchy during the Sui (581-618) and Tang (618-907) periods, and culminated in one of the most liberal regimes during the imperial era in the Song dynasty (960-1279) (De Bary William et al 2000; Wang 2001, p.48). The Song seemed to have realised the ultimate Confucian ideal of the sage kings, in which the emperor shared power with the Confucian literary classes, and were at the early stages of industrialisation (Glahn 2016, pp. 242-249). It seems likely that had Song rule not been brutally stopped by the invasions from the North, it would have led to the development of the first capitalist system, and may even have progressed to some form of democracy with

Confucian flavours. It also seems likely that it was the Song examination system for selecting officials which allows for a limited amount of social mobility that has led Mou to comment that although China has never had political democracy, it has had a history of administrative democracy (Mou 1991, pp.19-20). Such comments may be confusing the idea of meritocracy with democracy, as the Song examination system is assessed by knowledge of Confucian classics rather than votes of the people. That said, it was nevertheless a huge advance on selection by birth or class.

The Successful Mongol invasion of China abruptly stopped the Song renaissance, and the relatively short-lived Mongol Yuan dynasty (1279-1368) saw a brief fall from grace of both Confucian scholars and Confucianism. The status of Confucian scholars was listed as 9th in the official Yuan list of classes, above beggars but beneath prostitutes. This gave rise to the famous self-deprecated, and sometimes semi-official derogatory title of intellectuals during the Cultural Revolution as ‘smelly old nines’ (臭老九) (Huang 2007, p. 563).

3.3.2 Confucian Values as Reflected in Rituals as Legitimation.

Confucian rituals based on Confucian ideals of behaviour for the different classes in the empire served as the glue that bound together society during much of the imperial era. These rituals when performed by the court served as the main outward manifestation of an idealised Confucian society. Examples of the rituals performed by the emperor include the offering of sacrifices in the Confucian temple and imperial ancestors (Wilson 2002, p. 252, pp. 262-253). The offerings in the Confucian temple indicate that the emperor is following the way of the sage, while homage paid to imperial ancestors shows both the Confucian ethic of filial piety as well as a legitimate lineage of the right to rule. There were no formal limits of the emperor’s

power and China traditionally lacked formal laws for how the state should be governed, that is, a formal constitution. Mou Zongsan notes that rulers during the imperial era had no legal limits to their power, but that any constraints were from moral and prudential limits (cited in Elstein 2015, p. 44). In this context, Confucian rituals as legitimation have also often been compared with constitutionalism. Kim Sungmoon argues that Confucian rituals serve the role of Constitutionalism, which both enables and constrains the power of the ruling order (Kim 2011, p. 373). Chaihark Hahm, writing on the role of Confucian rituals during the Choson Dynasty in Korea (1392-1910), states that Confucian rituals are both a basis of legitimacy for the imperial state and how the state ought to be governed (Hahm 2009, pp. 146-148). Hahm also argues that the rituals ceremonies performed by the rulers are set down in details in both the public and the private spheres, based on accepted Confucian morals (Hahm 2009, pp.149-150). They play the familiar role of dignifying state power, and conversely, would delegitimise the ruler if the rituals are not performed correctly. What count as accepted Confucian morals, however, are open to interpretation. Kim asserts that as Confucianism had morphed into Legalistic-Confucianism during the Chinese Han Dynasty (206 BCE-220 CE), Confucian ethics which were previously concerned with ‘moral self-cultivation and the transformation of the world became the tool for the imperial order and the bureaucratic hierarchy of the empire’ (Kim 2011, pp. 371-372).

Confucian rituals to dignify state power and conferring legitimacy to the ruling order is not that different from other forms of rituals that serve the same purposes in other cultures. However, Confucian rituals also serve the purpose of constraining the power of the ruling order in the absence of formal laws or constitutions to regulate that power. Viewed from that perspective, Confucian rituals may have had an important historical role, but may have lost their relevance in modern political orders with formal constitutions. Where Confucian rituals might still be

relevant today is the role they play in the social sphere. Although some Confucian values and norms may seem out of touch with modern sensibilities, such as the denigration of women or the strict social and familial hierarchies, others such as respect for authority and the ideals of sage kings may be more enduring. The sheer long tenacity of some Confucian values, which seem embedded into Chinese culture by popular discourse and social traditions, makes it inevitable that they will affect whether certain legitimation stories are acceptable.

3.5 Main Political Ideologies in China at the Start of the Century of Humiliation.

Song-Ming Confucianism, or Neo-Confucianism, was adopted as the official political ideology by the Ming Dynasty (1368-1644), who overthrew the Yuan. This form of Confucianism is a reversal of the Song's relatively open and free society. It is based on the ideas of Cheng Hao (程顥, 1032-1085 CE), Cheng Yi, (程頤, 1033-1107 CE) and Zhu Xi (朱熹, 1130-1200 CE), and also known as *Cheng-Zhu Lixue* (程朱理學) (Liu 2012). Song-Ming Confucianism reinforced the strict social and political hierarchy of traditional Confucianism with the concept of *tian li* (天理), loosely translated as 'heavenly principles' (Liu 2012). These are based on the 'Three Cardinal Guides and Five Constant Virtues' (三綱五常) (Liu and Li 2014). The Three Cardinal Guides are concerned with a strict political and social hierarchy, which are: The Emperor is fundamental to ministers (君為臣綱), the father fundamental to the son (父為子綱), and the husband fundamental to the wife (夫為妻綱). The Five Constant Virtues are personal moral concepts: *Ren* (仁 Benevolence), *Yi* (義 Righteousness), *Li* (禮 Ritual), *Zhi* (智 Wisdom) and *Xin* (信 trustworthiness).

The strict social hierarchy of this version of Confucianism indicates an emphasis of the collective over the individual, and the suppression of personal desires in favour of *tian li* (存天理，滅人欲). This combined with the concept of 'It is better to die of starvation than to lose virtue' (餓死事小，失節事大), usually meaning the sexual virtue of women, also made Neo-Confucianism one of the most misogynistic school of thoughts in Chinese philosophy. Qin Xiaomei notes that these concepts have shaped social norms that emphasise the 'purity' of women and a fetish among both the literary classes and the common people for female virgins, causing generations of Chinese women to waste their youth and lose their lives (Qin 2004). It

was this form of Confucianism, with its emphases on strict political, social hierarchies and the suppression of human nature that led later intellectuals of the May Fourth Movement to claim that '[Confucian] rituals eat people (禮教吃人)' (Li 2015, Huang 2007).

The concept of *tian li* is ill-defined, but this meta-physical all-encompassing principle is the basis of the strict social hierarchies proposed within Song-Ming Confucianism. It holds that Confucianism is the only way of following these heavenly principles, and any practices which contradict these principles must be immoral. By basing Confucian morals and ethics on meta-physical terms, it puts the concept beyond empirical critique, and while the upholding of Confucianism as the one true way is probably following the tradition of Confucian hegemony in China, the need to suppress personal (sexual) desires of mainly women and of the lower classes (harems existed for the emperor, the aristocracies and the wealthy throughout the imperial era) is more problematic, and seems to contradict both classical Confucian tenets and societal practices. While it is probably true that most societies of the time were based on some form of patriarchal hierarchies, what was proposed under this form of Confucianism takes this to the extreme. Women had the right of divorce during Han to Song times, and divorcees and widows remarrying did not carry any great social stigmas (Zhan 2021, p. 103). Indeed, both Confucius and Mengzi, the two foremost sages of Confucianism, commented that sexual desires are part of human nature, that eating, drinking and men-women relationships are the great human desires (飲食男女，人之大欲) (Liji, Li Yun, 禮記, 禮運), and eating and sex are part of normal human nature (食色性也) (Mengzi, Gaozi 1, 孟子, 告子上).

The concept of *tian li* seems like a logical extension to the principles of heaven and people interaction and the mandate of heaven, but there are subtle differences. The latter is based on

performative legitimacy, in which a ruler's misdeeds are 'punished' by nature omens, often in the form of bad harvests, floods, droughts, locust plagues or earthquakes, while the former is simply an assertion of morals based on a supernatural entity. It may be argued that given the size of the Chinese empire, some form of natural omens would be omnipresent and so the ruler's powers are always kept in check by Confucian officials. Strong rulers, however, can simply ignore any 'warnings' by heaven. The main difference between the two concepts is that while the heaven and people interaction aim (mostly unsuccessful during most of the imperial era) to limit the power of rulers for the benefit of the rest of the ruling elites, *tian li* aims to benefit the ruling elites by installing a set of social norms based on a particular take on Confucian ethics, and backed-up ultimately by the coercive power of the state. This aspect of Song-Ming Confucianism, is then, an example of a blatant attempt to use Confucianism for the benefit of the ruling classes.

The Qing dynasty (1644-1911/2), founded by semi-nomads from the Northeast of China beyond the Great Wall, followed the Ming's lead in adopting Song-Ming Confucianism as the state ideology. The Qing also expanded the empire's territories to well beyond its traditional borders, to incorporate Xinjiang, Tibet, Mongolia and Manchuria. So, prior to the incursion of Western powers into Qing, the empire was secured, and confident that it was at the apex of the world order in the context of *Pax Sinica*, based on Neo-Confucian ethics and ideas of political legitimacy.

3.6 The Century of Humiliation: An Overview.

The status of Confucianism as the natural ruling ideology of China was at first little challenged by the forced opening of China by British gunboats during the First Opium War (1839-42). The affair was treated as a minor incident by the Qing government at the time, but has since been turned into a myth by Chinese nationalists for the purpose of nation building at the end of the 19th century as the start of the 'Century of Humiliation' (Lovell 2011, Location 300). The CPC was keen to sustain this narrative, and a major drama-documentary commercial film, *The Opium War* 鴉片戰爭 (1997) was released by China in 1997 to commemorate the return of Hong Kong to Chinese rule, as the final chapter in China's recent history of humiliation by the West. Evidence that the Chinese people have indeed, stood up. However, despite the popular rhetoric of national humiliation, it was not until the Second Opium War (1856-1860), when Anglo-French forces occupied Beijing that calls for reforms to the Confucian-based system began to gather pace amongst Chinese intellectuals, and which turned into a crescendo after the defeat against Japan in the first Sino-Japanese War of 1894-95. The failure to carry the reforms to successful conclusions contributed to the fall of the Qing Dynasty in 1911.

The weakness of the young republic in the face of Western (including Japanese) aggression led to the May Fourth and New-Cultural Movements during the latter part of the 1910s (Starr 2009, p.68; Wang 2005, p.308). These movements called for the total repudiation of Confucianism and can be seen as the symptoms of an intellectually confused, 'semi-colonised' China searching for the ideologies to restore China to its former glories. The over-riding criterion for any political ideology in contemporary Chinese history from mid-Nineteenth Century onwards, then, was the ability to transform the country into a modernised, industrialised state with the ability to stand up to Western powers both militarily and economically. This concern with the

‘rejuvenation’ of the Chinese nation by successive Chinese ruling orders still seems to resonate strongly today and plays a crucial part in the legitimation of any contemporary Chinese regime.

3.6.1 *Opium Wars, Ti-yong (體用) and the Self-strengthening Movement.*

The Second Opium War exposed the weakness of the Qing empire compared with the Western powers, led by British incursions into China. The storming of Beijing, and in particular, the burning of the Summer Palace during the Second Opium War, was seen as a national humiliation, a potent symbol of bullying by the Western imperialist powers of a Qing empire weakened by internal rebellion in the form of the Taiping Uprising which then ruled the southern half of the empire (Schoppa 2000, p. 22). Indeed, the desire to avenge this humiliation was prevalent in the popular discourse well into the 20th century. A good example is the film *Burning of the Summer Palace* 火燒圓明園 (1983), with its theme song’s lyrics full of ultra-nationalistic fervour to remember this shame and to avenge this humiliation. This was in 1980s British-ruled Hong Kong, hardly a bastion of communist or nationalistic ideology given that a large proportion of its population in the 1980s were refugees from the mainland (Ku 2004, 326-330; Chen 1988, pp. 653-654) who had risked their lives to cross the border into British Hong Kong to flee from persecution, starvation, or just in the hope of a better life. This would seem to support that the nationalistic narrative of the century of humiliation has been etched into generations of Chinese, whatever their political persuasions.

Although the war forced the ruling elites to acknowledge that the West was now technologically superior in war-making and possibly economics, there was still a reluctance to concede that Song-Ming Confucianism was the source of, or at least had contributed to, this weakness. Instead, an official self-strengthening movement based on *ti-yong* was instigated to

catch-up with the West (Schell and Delury 2013, p.7-8). The *ti* refers to the essence, and the *yong* the use. In short, the idea was to use Western science and technology (the *yong*) under the guise of Song-Ming Confucian ethics (the *ti*). The movement seemed successful on the surface. There were no further major Western incursions into China from the end of the Second Opium War until 1894. The short Sino-French War (1884-1885) saw minor victories on both sides, with Qing victories over the French land forces (Elman 2003, p317), and the war was concluded by the Treaty of Tientsin with terms that suggest that it was a draw. The Taiping Rebellion was put down with the help of Western powers, the Chinese military was being modernised with Western help, the newly created Chinese Northern Ocean Fleet (*Beiyang* Fleet 北洋艦隊) was the first modern Chinese navy supposedly more powerful than the Japanese navy, at least on paper (Elman 2003, pp. 318-319). Although no longer the master of *tianxia*, the Qing empire could, at least on paper, hold its own against any further Western aggressions. The period from 1862 to 1894 has been referred as the *Tongzhi* Resurgence (同治中興) to denote a revitalisation of China's fortunes (Shi 2003). Some, however, felt that the success may only be illusionary and that more sustained efforts are needed, for example, Li Hongzhang (李鴻章 1823-1901), a high-profiled late Qing senior official, was said to have commented that the situation facing the empire was 'a changeable situation unique in three thousand odd years' (此三千餘年一大變局也), and 'a changeable situation unprecedented in thousands of years' (數千年未有之大變局) (Guo 1980, p. 1; cited in Lin 2001, p. 144).

3.6.2 First Sino-Japanese War.

The First Sino-Japanese War seems to confirm Li's doubts about the success of the self-strengthening movement. The Chinese naval forces were destroyed by the Japanese fleet, and the Japanese army routed Chinese land forces in Korea and the Northeast of China, forcing a humiliating treaty onto the Qing (Wakeman 1975, pp. 191-192). A huge war reparation was paid to Japan, and Taiwan was ceded to the Japanese in the Treaty of Shimonoseki of 1895 that concluded the war. The humiliating defeat to the Japanese raised further questions about governance of the Qing empire. It was one thing losing to the West, but Japan is only a small island nation compared to the Qing empire, and had always been on the periphery of the empire under the influence of Chinese culture since Tang times. Furthermore, the Japanese also needed to modernise to fend off the challenges from Western powers. Indeed, their efforts at modernisation only started in 1867 with the Meiji Restoration (Cohen 2014), some six years after the Chinese effort of Self-strengthening which had begun in 1861. How was it that they had become far stronger than their much bigger neighbour? The answer, it seems lies in the different ways that these two countries had attempted to modernise. Unlike the Qing half-hearted efforts of *ti-yong*, the Japanese had embarked on the total Westernisation of Japan, and with the victory over China, the result seemed conclusive to the more radical Chinese intellectuals, that full Westernisation was the better way forward.

The clamour for reforms as a result of the First Sino-Japanese War led to the Hundred Day reformation 百日維新, in which the *Guangxu* emperor, with the help of leading reform figures such as Kang Youwei (康有為 1858-1927) and his pupil, Liang Qichao (梁啟超 1873-1929), planned a series of comprehensive reforms, including the abolition of civil examinations based on Confucian classics (Kwong 1984). Kang and Liang, however, failed to mobilise sufficient

support for these reforms, and even alienated sympathetic elite officials with their arrogant attitudes. The reformation was ended by a palace coup by *Cixi* (慈禧 1835-1908), the empress dowager, who resumed her role as regent. She abolished the reforms, Kang and Liang fled into exile, and *Guangxu* became a puppet emperor.

3.6.3 Boxer Rebellion

One of the outcomes of the First Sino-Japanese war was that the Western powers now realised the true extent of Qing's weakness, and were clamouring for ever-increasing territorial or economic concessions. This increased hostilities by the West (now including Japan as the first 'Westernised' Asiatic power) towards China were reciprocated by most of the intellectuals and the masses. This antipathy towards the Western powers led to a series of anti-Western actions by peasants in the North of China which led to the Boxer uprising. The Boxers were initially a militia group formed by martial artists in the North of China against Qing oppression (Spence 1999). It morphed into an anti-Western organisation supporting Qing efforts against foreign incursions. The slogan was 扶清滅洋, 'support the Qing and exterminate the foreigners.' Its members claimed to be bullet-proof after drinking water infused with burnt offerings. They were admitted into Beijing on the order of the dowager empress and besieged the International Legations, which led to the infamous 'eight-nations army' (八國聯軍) of Japan, Russia, Great Britain, France, the US, Germany, Italy and Austria-Hungary storming of Beijing in 1900 (Wakeman 1975, pp. 216-221). If the first storming of Beijing and burning of the Summer Palace marked the start of a series of humiliating events for the Qing empire, then it could be argued that the Boxer Rebellion which culminated in the second storming of Beijing was the height of Chinese humiliation.

The humiliating Boxer Protocol signed by the Qing to appease the international alliance, with a huge war indemnity totalling 450 million taels of silver, one tael for each person of the empire, seem designed for the humiliation of the Qing. One important episode of the Boxer Rebellion was that a large part of the ruling elite refused to acknowledge the legitimacy of the imperial edict declaring war on the international alliance, arguing that it was issued under duress (亂命) by the Boxers. This movement, known as ‘mutual-preservation of the South-East’ (東南互保), (Han 2017), showed that even the part of the ruling elites was questioning the legitimacy of the imperial Qing order.

The second storming of Beijing plays an especially crucial part in the Chinese nationalist discourse, and reinforces the idea that the Western powers were plotting together to carve-up China. This episode of Chinese history can arguably be considered more humiliating than the Japanese invasion of China during the Second Sino-Japanese War (1937-1945). The full-scale Japanese invasion of China during this war caused far more damage to China and the Japanese occupied far more territories than all the previous combined Western incursions into China. However, whilst the war against the Japanese invasion can be viewed as the struggles of a heroic people against an aggressor, which ultimately resulted in the unconditional surrender of the enemy, the Boxer Rebellion painted the picture of a backward, superstitious nation pitted against a modern international army and the complete annihilation of Chinese forces, which resulted in a humiliating surrender by China.

3.6.4 *The End of Imperial Rule and the Chaos of Revolution.*

It was clear by this stage that the Qing Empire had to reform or risked collapse. Even the conservatives who were opposed to the reform in 1896 conceded that China needed to reform. The ageing dowager empress did initiate reforms in 1901 (Wakeman 1975, p.221), but died in 1908 before these could be fully implemented. The *Guangxu* Emperor died a day later, amid suspicions that he was poisoned on the order of the dying Dowager. The political intrigues by the new regime alienated the ruling elites further. The new regime was nominally headed by the infant *Xuantong* (宣統 1906-1909) Emperor, under the regent of Prince *Chu* 醇親王 and the new dowager empress, the widow of *Guangxu*. The new ruling order aimed to stall the reforms to consolidate power back into the Manchu imperial house at the expense of the ethnic Han officials (Wakeman 1975, p. 231). The promised constitution was delayed, and members of a new cabinet were mostly drawn from the imperial family. This alienated the remaining supporters of Qing imperial rule, and the debate on whether reform or revolution was the best route for the modernisation of China seemed to have fallen on the side of revolution.

The revolution, when it came, was an accident. A minor insurrection in 1911 by the ethnically Han garrison in Wuhan was not put down quickly, the rebels managed to chase the governor and his ethnic Manchu troops out of the city and declared a revolutionary government. Other provinces quickly followed and declared their support for Wuhan (Wakeman 1975, pp. 228, 248-249). The resulting compromise between the revolutionaries in the South led by Sun Yat-sen (孫中山/孫逸仙/孫文 1886-1925) and the *Beiyang* army group led by Yuan Shikai (袁世凱 1859-1916) in the North resulted in an agreement to form a national government based on a republican model, with all facades of a liberal democracy, the rule of law, multi-party elections to elect legislators who in turn would elect the president. This, however, resulted in

chaos as it seems that the systems installed as a compromise between the factions meant that the new government did not have full control of the country, and the lack of a symbolic ruler in the figure of the emperor meant that there was a lack of an authority figure to settle any disagreements. The concept of popular sovereignty also seemed to be unfamiliar to some intellectuals, but the mostly illiterate masses found the idea even harder to comprehend, and the intellectuals had no experience of actually running a liberal democratic society. These issues and the resulting instability of the young republic led to the restoration attempt by the sitting president of republic, Yuan Shikai, who declared himself the emperor of a constitutional imperial regime in 1915 (Spence, 1999, pp. 281-282). The attempt at restoration resulted in a new civil war, and even supporters of the president, the *Beiyang* generals, chose to withdraw support for the now new emperor. The new imperial regime quickly fell, and the new emperor abdicated, and declared the restoration of the republic, then quickly died. The *Beiyang* clique then quickly rallied round a *Beiyang* general as the new leader of the republic and suppressed the revolutionary elements of the rebels.

3.6.5 The Search for a New Ideology for the Revitalisation of China.

China was now at a crossroad. The chaos of the early post-imperial era (or the Republican era, 民國) resulted in ideological confusion as to the best way for the rejuvenation of the country. Both liberal democracy and the Confucian imperial system were unable to unite a divided China, and without a united China, the rejuvenation of country to its former glories seemed impossible. The May Fourth (五四運動) and New Culture Movements (新文化運) were attempts by an ideologically confused country exploring the best route to the modernisation of China. The failures of liberal democracy of the new republic were blamed on power-grabbing warlord leaders and an illiterate and uneducated people. The rallying cries of both the May

Fourth and New Culture Movements were ‘Mr Democracy and Mr Science’ (德先生 賽先生), references to Western concepts of liberal democracy, and the need for scientific education to replace the influences of Confucianism within Chinese society which had lingered on even after the end of the imperial era. The newly established Soviet Union also influenced the ideologies of the movements, and the founders of the Communist Party of China, Chen Duxiu (陳獨秀 1879-1942) and Li Dazhao (李大釗 1889-1927) were both leading figures of the movements.

The May Fourth and the New Culture Movements are normally treated as inter-related, if not actual twins. Arif Dirlik, for example, starts his paper, *The New Culture Movement Revisited*, with the events of the May Fourth Movement (Dirlik 1985, p. 251). The rest of the paper also uses the names of the two movements interchangeably to describe events during this period. Kuo Ya-pei states that the May Fourth Movement has historically been described in the nationalist discourse as the first mass nationalist gathering in China, and together with the New Culture Movement, were considered to be reactions against what were conceived as outdated traditions that hindered the modernisation of China (Kuo 2017, pp. 52-53). Although Elisabeth Forster argues that the New Culture Movement was more of a buzzword rather than an actual movement, and it was impossible to put firm dates on when it had begun or finished, she nevertheless acknowledges that the ideas of the Movement have had huge influences on both historical and contemporary legitimacy discourse (Forster 2017, pp. 1253-1255). Arthur Hummel, writing back in 1930, even described the Movement as a cultural renaissance that was more important than the 1911 revolution which overthrown the Qing Dynasty and the last of the imperial order (Hummel 1930, p. 55).

As well as a total repudiation of traditional culture, especially the Confucian social and political orders, the other important concept that emerged from the Movement was the campaign for vernacular Chinese at the expense of classical Chinese (白話運動 or 文學革命). Classical Chinese is often unintelligible to the average Chinese person without an expensive classical education, whereas the newly promoted vernacular had the advantage of being understood by anyone with a basic education (Hummel 1930, pp. 55-57). In the context of legitimacy and legitimation stories, the change to vernacular Chinese would lead to the elites losing their monopoly in the creation, interpretation and dissemination of legitimation ideas and stories. This is an important step, and probably a necessary step, on the road to popular sovereignty and informed consent.

The democratic sentiments expressed during the May Fourth and the New Cultural Movements were similar to Sun Yat-sen's 'Three Principles of the People' (三民主義), nationalism (民族), democracy (民權) and people's livelihood (民生), which seem to be heavily influenced by US Republican liberalism, and borrowed from Lincoln's 'government of the people, by the people, for the people' (Sharman 1934, p.94). Sun, however, also advocated a form of vanguardism, in which the revolutionary party shall hold power on behalf of the people until the people are ready for full democracy (Schell and Delury, p. 135; Bergere 1998, p.378). Sun also did not abandon Confucianism whole-heartedly, but instead chose to highlight the democratic aspects of Confucianism as exemplified in the ideal of the *datong*. Examples of this can be seen in the national anthem of the Republic of China, originally the KMT party anthem, in which the Three Principles of the people were linked with the path towards *datong* (Office of the President, Republic of China; no date).

Sun's successor, Chiang Kai-shek (蔣介石 1887-1975), led the KMT in an alliance with the CPC to triumph in the Chinese Civil War against the Northern *Beiyang* government, and at least nominally unified the country in 1928 (Jordan 1976). The KMT can be said to be the elder sibling of the CPC in terms of party structure, albeit with different ideological underpinning. The KMT was transformed into a revolutionary party based on Leninist lines, developed its party army with the help of Soviet aid, and held that the party has priority over the state (Bergere 1998, p. 379). The CPC was established with Soviet aid as a branch of the Third International, and so was also organised along Leninist lines. The CPC and the KMT enjoyed close cooperation until 1927, when Chiang turned on the CPC in Shanghai on the eve of victory of the Northern Expedition with the infamous massacre of Shanghai. Any faint hopes of a liberal democracy, which was one half of the rallying cry of the May Fourth Movement (Mr Democracy) and inherent within the original Three Principles of the People, were thus quickly extinguished by the Shanghai Massacre. Authoritarianism and nationalism rather than democracy became the main ideologies of the day. Indeed, although liberalism has its appeals for people seeking changes in China, most notably by Mao in a speech on 'New Democracy' in 1940 calling for new-democratic constitutional government, it has been suppressed by the CPC since its seizure of power in 1949 (Yuen 2013, pp. 67-68). On the other hand, Confucianism, as part of Chinese cultural tradition, was once again invoked between 1935 to 1949 to legitimise Chiang's authoritarian regime (Fukamachi 2010). This would suggest that whenever a ruling order in China is in crisis, Confucianism is placed back onto the altar by the regime for legitimation. There are also hints of this in CPC rule as well, as will be discussed in more depth in chapter Six to Eight. The confrontation between the KMT and the CPC after the defeat the Japanese in 1945 was won by Mao's CPC. The 'century of humiliation' was thus finally ended in 1949 with the founding of the People's Republic of China, at least according to official CPC discourse.

3.7/ Conclusion.

The narrative of a century of Western powers inflicting humiliation on China has resulted in nationalistic fervour in successive generations, with the rejuvenation of the Chinese nation being the overarching legitimisation story since the late imperial era, and for all regimes of different political persuasions since the establishing of the republic. However, the residue Confucian norms within society, along with the view among some intellectuals that Song-Ming Confucianism has contributed the backwardness of China and therefore should be totally repudiated, have resulted in difficulties in framing successful legitimisation stories that make sense to the people, and a sense of ideological confusion in wider Chinese society. Although the overarching legitimisation story is based on national rejuvenation, ideology also matters as it sets out a vision of how the people would live in a future rejuvenated, powerful Chinese state. The ideological confusion also stems from the unsuccessful search for an alternative ideology to Song-Ming Confucianism to bring this rejuvenation into fruition. Republican democracy, constitutional monarchy, vanguardism leading to a liberal democracy, and the authoritarianism of Chiang's rule based partly on traditional Confucian values have all resulted in ineffective governance and failed to reunite a divided Chinese state since the fall of the empire. The failure of the ideologies mentioned, and the success of the CPC in uniting the country in 1949 meant that the stage was set for Marxism, or in more precise terms, the Chinese version of Marxism-Leninism, to bring the Chinese state into the modern world and regain its former glories in the utopia of a workers' paradise.

China in 1949 seemed at the dawn of a bright age; it had defeated Japan, or at least, outlasted it in a war of attrition and survival. The bloody civil war ended with the defeat of the outwardly corrupt KMT regime, and China for the first time since the fall of the Qing dynasty, was once

again unified except for Outer-Mongolia which was formally granted independence by ruling KMT in 1945 after heavy pressure by the Soviet Union (Her 1997, p. 66), and the island of Taiwan which formed the last stronghold of the now exiled KMT controlled Republic of China. The tiny colonies of Hong Kong and Macau on the periphery of the country only existed on the sufferance of the Party. The country now also had a new shiny ideology to bring about the modernisation of the country, plus equality and prosperity to the masses. The next chapter will discuss the evolving legitimisation stories of the CPC as conditions of its rule changed.

Chapter 4: The Legacy of the Liberation, 1949-Present: A Country and Party in Transition

4.1 Introduction.

The main reason for using the year 1949 as a convenient chapter break is that events during the era 1949-1976 are so important to the legitimization efforts of the present leadership that the topic deserves a chapter in its own right. The present regime derives much of its legitimacy for its one-party rule, at least from a descriptive context, from the legacy of the revolution of 1949 (known as the 'liberation' in China). This chapter will put forward the argument that the legitimization efforts of the present regime are severely limited by the history of this period, especially the Anti-Rightist Movement (1957), forced collectivisation and the Great Leap Forward (1958-1962), and the Cultural Revolution (1966-1976). These events caused tens of millions to die of starvation and plunged the country into a decade of violence and chaos, with death toll also in the millions. The failure to transform the country into a modernised state, and the Party from a revolutionary party to a governing party, during this period to successfully answer the first question had, and still has, huge implications in terms of how the legitimization stories would be framed in a post-Mao China. It is almost a truism to state that the main role of a revolutionary party is to destroy the old order. Once it is successful, it is in the interest of the revolutionary party to focus on stability of the new order and to ensure the maintenance of the new *status quo* if it wishes to remain in power to implement the aims of the revolution. In other words, a revolutionary party needs to morph into a governing party to build a brave new world.

This chapter on the history of China since 1949 is, therefore, a discussion on how events during this period have limited the options of successive leaderships, including the present leadership,

in the framing of legitimisation stories. The present leadership, like its post-Mao predecessors, must try to square the circle by both claiming the genealogical right to rule based on the legacy of the liberation while also carrying the historical baggage of misrule. This difficulty is further exacerbated by the need for reforms appealing to the market to answer the first question to mitigate the decades of misrule. These reforms based on a liberalisation of the market went against the Party's ideological foundations, resulting in ideological confusion both within the Party and in wider society.

The first part of this chapter will discuss how the Party had failed in answering the first question of legitimacy, in that it had failed to establish a condition of trust needed for cooperation, the failure to provide even a subsistence living for a large part of the population, and stability. Forced collectivisation and the Anti-Rightist Movement will be used to argue that the Party had breached the trust of first the intellectuals and then the peasants. The Great Leap Forward will be cited as the prime example of the Party's failure to feed a large part of the population. The Cultural Revolution will be discussed as the chaotic decade in which the Party failed to provide stability. It will also be argued that intra-party power struggle after the Great Leap Forward was a main cause of the CPC's failure to successfully transform from a revolutionary party to a governing party which had greatly impacted on the ability of the Party to answer the first question.

The second part of the chapter will discuss the struggle for the ideological future of the country following the death of Mao, between 1976-2012. This will be followed by a discussion of Deng's reforms to mitigate the disaster of the Mao period, which raised new problems in the legitimisation of a purportedly Socialist regime in charge of an increasingly capitalistic economic

system. Particular attention will be given to how these problems led to Tiananmen Square Massacre of 1989, the greatest legitimacy crisis that the Party faced since the death of Mao. This part of the chapter will also discuss the Party's response to the aftermath of Tiananmen, and its efforts at legitimation once the immediate crisis of Tiananmen had passed.

The Xi leadership, which assumed power in 2012, must face the same problems that every leadership faced since the reforms began in 1978, and which have not been solved satisfactorily. This is the need to justify the rule of a Marxist-Leninist party in an increasingly capitalistic society, and the historical baggage of its misrule from 1949-1976, both of which can lead to questions about the Party's self-asserted natural right to rule. In other words, it needs to persuade the people to make sense of the Marxism-Leninism part of the legitimation story under present economic conditions, and to disown its historical mistakes without undermining its claims to rule based on the legacy of the liberation. The third part of the chapter will discuss the Xi leadership's attempts to reconcile the inherent tension between the resurgent of Marxism in the official discourse and current societal practices, and how it attempts to mitigate the historical baggage of misrule in its legitimation efforts.

4.2 Answering the First Question.

China in 1949 seemed to stand at the dawn of a bright future, and Marxism-Leninism took centre stage as the panacea to cure all of China's ills. The century of humiliation ended in the official discourse of the Party when Mao stood at top of the gates of Tiananmen in 1949 and declared that 'the Chinese people have stood up' (Kaufman 2010). The young People's Republic, however, were also faced with an economy ravaged by eight years of total war against Japan, and by the bloody civil war that had resumed not long after the Japanese surrender in the summer of 1945. For example, industrial output in 1949 was only half that of pre-war levels (Brugger and Regular 1994, p.15), while famines and malnutrition were very much still in evidence in rural districts. It was against this background that China embarked on its experiment with Marxism-Leninism with a Chinese flavour, the original Socialism with Chinese Characteristics. Ian Wilson cites the work of Xue Muqiao, Sun Yefang and Yu Guangyuan on China's efforts for the transformation to a socialist society during the early 1950s. They contend that given China's economic backwardness, the experiences of more advanced socialist states are irrelevant, and that China must find its own path to the transition (Wilson 1989, p.77).

The experiment had a bright beginning, the economy recovered with the first five-year plan (Chung and Chia 1961, p. 490), and land reforms meant that most peasants for the first time owned the land that they toiled on. There were certainly acts during the early days of the People's Republic that would be considered illegitimate in most normative schemes, for example, the sometimes brutal and bloody suppression of landlords during the land reform, often at the instigation of the Party to rid the peasants of false consciousness (Gao and Liu 2009, p. 38-41; Brugger and Regular 1994, p.13), but it cannot be denied that the Party was successful in answering the first question and establishing the conditions necessary for the

BLD. However, the legitimisation stories of an egalitarian society based on Marxist-Leninist values for the rejuvenation of the Chinese state, a blend of Marxism and nationalism, would prove to be more difficult. Indeed, after this promising start, it can be argued that from 1957 to 1978, the Party had failed in even answering the first question. This will be discussed in more depth later in this chapter.

During the early days after liberation, the emphasis of the young People's Republic was on national reconciliation rather than classical Marxist concepts of a struggle between the classes. In this context, the legitimisation stories of this period seem to be based more on nationalism rather than Marxism. The path of the new country was initially heavily guided by Mao's work on New-democracy (新民主主義), in which the transition to socialism would be based on a united front led by workers, peasants, petty bourgeoisie and patriotic capitalists (Jiang 2012, p.154). The over-arching legitimisation stories at this stage, then, are the national rejuvenation of China by the united efforts of peasants, workers and the capital class, which will lead to the right conditions for the transformation of China into a socialist state.

The fact that Mao's proclamation at the top of Tiananmen stated that 'the Chinese people have stood up', rather than commented about classes, would support the early legitimisation efforts were based more on nationalist rather than Marxist values. Furthermore, the adaptation of the *March of the Volunteers* (義勇軍進行曲), a theme song of an anti-Japanese film *Children of Turbulent Times* (風雲兒女 1935), as the national anthem would further support this view of the early legitimisation efforts of the Party. The emphasis on nationalism by the Party is perhaps not surprising. Chalmers Johnson mentions that the CPC did not have much success in mobilising the peasants prior to the Second Sino-Japanese War, but that it had managed far

greater success in doing so under the slogan of 'national salvation' during the war. (Johnson 1962, pp. 1-4). It was this successful mobilisation of the peasants, according to Johnson (1962, p.1), that laid the foundation of victory for the CPC in 1949. In terms of the legitimisation story during the early days of the liberation, nationalism (the rejuvenation of the country) was the objective, and this was to be achieved by the adaptation of Marxist values within a power structure based on Leninist principles. Due to primitive state of the economy, a coalition of different classes were needed in the transition stage, but the long-term goal was the creation of a strong and prosperous Chinese socialist state.

These early emphases on nationalism rather than Marxism coincided with a mixed economic approach by the new PRC government, and capitalists were encouraged to help in the national effort to develop the economy until it was sufficiently advanced for a socialist transformation (Saich 2004, pp. 29-31). These moderate policies also seemed to have applied in rural areas, and the land of rich farmers were often left untouched (Spence 1999, pp. 490-491), although land reforms in the rural villages were also sometimes brutal and bloody affairs, with the violence often instigated by the Party to clear the false consciousness of the people (Gao and Liu 2009, p. 38-41; Brugger and Regular 1994, p.13). Wang Ling Gao and Yang Liu also cite a quote of the time, that 'as the Party have given you the land, how can you not be loyal to the Party?' (Gao and Liu 2009, p.43). Land reform was, then, a legitimisation effort to buy the loyalty of the landless rural peasants. This form of Habermasian legitimisation was discussed in chapter Two, where the people can be made to overlook possible deficits of legitimacy in one sphere by the promise of, or in this case, the delivery of, material incentives.

The urban policies were intended to appeal to the patriotic sentiments of the capitalist, that they had a future in the rebuilding of the nation, a form of ideological legitimation based on nationalism. It is interesting to note that the main legitimation efforts were different depending on the targeted audience. Material incentives was the main mode of legitimation towards the semi-literate peasants, while ideological legitimation in the form of nationalism was aimed at the likely more educated bourgeois. This approach has echoes of the Williams's idea that the state aims to justify its legitimacy to each individual by applying it to groups who may share the same interests.

These moderate policies based on New-democracy and the early efforts at attempting to unite the country through a mixture of material incentives and nationalism for the regeneration of the economy seemed to have been successful. Agricultural output was back to pre-war levels by 1952, and industrial output rose to double of the 1933 figures (Chung and Chia 1961, p.490). The Party, then, was well on its way of answering the first political question successfully. Despite, or perhaps because of, this success, New-democracy was replaced by the Soviet model in 1953 as the road to a socialist transition (Jiang 2012, p.150), which contributed to a reversal of the situation.

4.3 Failures in Answering the First Question

4.3.1 Breach of Trust: The Anti-Rightist Movement and Forced Collectivisation.

The moderate policies of the Party based on a nationalist agenda were also abruptly changed with the Anti-Rightist Campaign in 1957, followed by a change in the legitimation story in the head-long rush to full communism and forced collectivisation of both land and industry during the Great Leap Forward. The prequel to the Anti-Rightist campaign was the short-lived 'Let a

Hundred Flowers Bloom Campaign' (百花齊放) in 1956. Emboldened by early success in both the military and economic spheres, Mao initiated the campaign to encourage people to speak about the Party openly and promised that criticism of the Party would be listened to with no repercussions (Goldman 1962). Jonathan Spence states that 'Mao had to use all his influences' to get the campaign going (Spence 1999, p.540), thereby suggesting there was resistance within the Party to let the people speak freely, and that the people were also reluctant to do so. After initial reservation, criticism of the party did indeed materialise, including some very vehement attacks by students at Peking University on the privileges enjoyed by out of touch party cadres (Goldman 1962, pp. 146-147). Although the campaign was retrospectively designated as a strategy to lure out the enemies of the Party (引蛇出洞), or translated literally as the 'luring of the snake out of its nest', with an 'open conspiracy' (陽謀), it was also possible that Mao was genuinely surprised at the outpouring of criticism of the Party. For as Saich (2004, pp. 38-39) asserts, Mao was confident that the intellectuals would support his version of the revolution given the successes so far. Whatever the reason, the harsh suppression of the intellectuals during the Anti-Rightist Campaign, who had only spoken out at the repeated requests of the Party under solemn promises of no repercussions, breached whatever trust the intellectuals had in the Party leadership. The Party, then, had failed to secure a condition of trust needed for cooperation with the intellectuals. One of the effects of the Anti-Rightist Campaign was that all dissenting voices outside of the Party were silenced (Joseph 1986, p. 428), which meant that China was sliding towards the tragedy of the Great Leap Forward without any debate or overt dissent from outside the Party.

The forced collectivisation of Chinese agriculture was one of the 'Three Red Banners' proclaimed during the 1950s: The General Line of socialist construction; the People's Communes and the Great Leap Forward (Sklair 1979, p. 311). The establishment of the

'People's Communes' was formally declared by the Party leadership in May of 1958 (Dutt 1961, p. 45), and was formed by the merging of cooperatives into large units of production (Donnithorne p.347). As part of the Great Leap Forward, it aims to quicken the agricultural development to aid the creation of a socialist society ahead of time for the transition to communism (Dutt 1961, p.48). The headlong rush into a communist paradise in the agricultural sector in the form of the people's communes saw all lands, livestock and property taken from individuals and given to the collective, in which food was distributed in large canteens free at the point of consumption (Li and Yang 2005, p. 845). There were reports of discontent among the peasants, with some consuming all their private possession prior to joining the communes (Dikotter 2001, p.52). Private property, including small plots of land, tools for subsidiary occupations, poultry and domestic animals, as well as income from these sources, were permitted in cooperatives previously (Dutt 1961, p.52). The Party suppressed all opposition, including from its own cadres, and those who were opposed to the communes were denounced as 'rightists' (Dutt, 1961, p.47), a charge with serious repercussions given the stigma of the term as Anti-Rightist Campaign was still under way.

Without commenting on the tragedy of the Great Leap Forward, which will be discussed in the next section, the relatively abrupt change in a fundamental economic policy negated the previous gains of the peasants. The fact that some peasants consumed all their private belongings prior joining the communes would suggest strongly that there was resistance to the communes. Indeed, Gargo Dutt cites a report that peasants would go to the canteen to eat, the bank to draw pay, but not concerned about production, and that in a Canton (Guangdong) commune, there were more than 2000 people absent from work each day (Dutt 1961, p.53). These passive resistances to forced collectivisation suggest that the trust between the peasants and the Party, built up during the Second Sino-Japanese war and which was cemented by the

land reforms, was breached. The Party has now failed to secure the condition of trust needed for cooperation with both the intellectuals and the peasants. In traditional Chinese legitimacy term, these could be considered breaching the trust of the people (失信於民) through the shifting of policies (朝令夕改). Given this, it can be argued strongly that the Party has failed to answer the first question successfully.

4..3.2 The Hungry Years of 1957-1962: Failure to Solve the Problem of Subsistence.

The Great Leap Forward was a plan to rapidly transform the country into a modern industrialised state by accelerating growth through forced collectivisation and mass movements, but instead, resulted in a famine with estimated deaths of up to 46 million people (Dikotter 2011, p.324). The campaign aimed to ‘surpass the British and catch-up with the Americans’ (超英趕美), with the aim of surpassing the UK economy in 15 years, and that of the US in 20-30 years (Li and Yang 2005, p.841). Local officials would project fantastic production figures either to curry favour with the central leadership or as acts of self-deception. Indeed, one slogan of the period was ‘人有多大膽 地有多大產’, which can be loosely translated as ‘the land will grow as much food as people can dare to imagine’. Such wildly undue optimism was not only against the materialistic basis of Marxist theory, but certainly also helped to exacerbate the famine that followed, as local food allocated to the centre were based on projected yields of the local region, and the fantasy projections resulted in all food from certain regions being shipped to the centre, leaving locals to starve (Dikotter 2011, p.52).

The Great Leap Forward plunged the Party to its first major crisis from both within and outside of the Party. While the Party was protected from any criticism from outside due to the

repression of the Anti-Rightist Campaign, there were signs of a split in the top leadership of the Party once the extent of the famine was becoming apparent, which had an estimated death toll of between 30-46 million deaths between 1959-1962 (Dikotter 2011, p.324).

The hungry years of 1959-62 caused another shift in the Party's policies, and the Party retreated from a full rush in Communist utopia to allowing limited private landholdings to try and mitigate the damage to the economy caused by the Great Leap Forward (McLellan 1998, pp. 240-241). Mao, as the chief instigator of the Great Leap Forward, had to retreat to a secondary role, and resigned from the post of President of the People's Republic in 1959 to take responsibility, although he kept the role of Chairman of the Central Committee of the CPC and Chairman of Central Military Committee of the CPC, ensuring that he kept control of the army.⁵ Mao's forced retreat into the peripheries of power showed the importance of the first question in the context of political legitimacy. If the attributes of legitimacy can only be obtained after the first question has been answered successfully, then it is reasonable to argue that the Party failed this first hurdle of legitimacy by the death of around 8% of the country's population⁶ through starvation and widespread social and familial upheaval as a direct result of its policies. Zhao Zhongwei and Anna Reimonds state that the famine completely destroyed family life (Zhao and Reimonds 2012, p. 283), and Yang Jisheng states that there were instances where wives and children were sold to give other members of the family better chances of survival (Yang 2008, cited in Zhao and Reimongds 2012, p.283). Hence, despite Mao's long-standing leadership of the Party, his leading the Party to victory in the civil war and his control of the army, the disaster of the Great Leap Forward was still deemed sufficient for the Party to force him into a ceremonial role.

⁵ The People's Liberation Army is a not an army of the state, but under command of the CPC's Central Military Committee.

⁶ The official population of China at the end of 1958 was around 660 million (Yao and Yin 1994, cited in Zhao and Reimonds 2012, p.282)

Although Mao was still nominally head of the Party, it was likely that he could no longer command the total loyalty or even the majority of the Party's central leadership, and would often be overruled in major policy decisions. One major example being that the retrenchment from full collectivisation to mitigate the effects of the famine was implemented against the wishes of Mao and his allies in the Party (Saich 2004, p.42). Mao retaining the control of the army after being side-lined from the central leadership, however, was an ominous sign of a possible future power struggle. This struggle would arguably lead to the second major disaster of Mao's period of rule, the Cultural Revolution, and the failure of the Party to transform into a governing party.

4.3.3 The Chaotic Decade, 1966-1976: The Cultural Revolution and Lack of Stability

The Cultural Revolution was a turbulent decade in which the basic order of society was overturned. The main cause of the revolution was a power struggle within the Party in which Mao would regain total power. There were two distinct stages in the Cultural Revolution, the first was the chaotic period from 1966-69, and the second was when Mao no longer needed the chaos unleashed by the Red Guards after victory against his opponents in the Party was complete (Teiwes and Sun 2015, p.4). The Red Guards were high-school and university students mobilised by Mao in his efforts to by-pass the Party to regain power. These idealistic youths proclaimed that they would guard the revolution and Mao with their lives if necessary. The mobilisation was not formal in the sense that it had a centralised structure to recruit Red Guard groups across the country, and these groups were formed with the passive, and often active, resistance of national and local Party officials, after Mao called on their formation to safeguard the revolution (Heaslet 1972, p. 1033).

The main narratives during this period were based on Mao's idea of a Marxist-Leninist society. The main ideas were the need for a continuous revolution to keep the purity of communism, and that the youths have a right to rebel against whoever is deviating against this line, including the Party itself. The People's Daily on its front page of June 1, 1966, led with the headline 'smash all cow ghosts and snake spirits' (橫掃一切牛鬼蛇神) (Freechat.com, 2017), and Mao, in his first 'big poster' called on the people to 'bombard the headquarters' (炮打司令部) in August of the same year (Marxist.org, no date). These were references to the 'capitalists roaders' who controlled the party, and called for the people to oppose them. The famous Red Guard slogan of the time that 'Revolution is not a crime, it is right to rebel' (革命無罪，造反有理) was a response to this call. Intellectually, there was a total repudiation of China's 'feudal' past, most prominently, Confucianism (Zhang and Schwartz 1991 p.197). In this aspect, the Cultural Revolution was an extension of the May Fourth movement, with the difference that whereas the May Fourth Movement was destroying old thinking whilst searching for viable alternatives, the Red Guards of the Cultural Revolution were steadfastly sure that they had already found the most appropriate ideology for China in the form of Mao's mutterings.

The chaos in China saw no sign of abating even after the defeat of the party veterans and Mao's resumption of power. The initial call by leadership under Mao for the Red Guards to go 'back to classes to further the revolution' (復課鬧革命) in late 1967 and early 1968 went largely unheeded by the Red Guards. Mao then changed tack and called on the red guards to go to the country to be re-educated (上山下鄉) in late 1968 (Chen 1999, p.221). The call was heeded by millions of idealistic youths, and large numbers of young people were starting to stream off

to the countryside in 1969. The period from 1969 to 1976 can be said to be the calmer second stage of the Cultural Revolution compared with the chaotic initial stage. That said, the whole period of the cultural revolution saw the collapse of social order. The Party's verdict in 1981 of the Cultural Revolution was it was a 'decade of turmoil' (Forester 1987, p. 68), and in 1984, the then Party General Secretary, Hu Yaobang, stated that the whole decade was 'a period of total catastrophe' (cited in Forester 1987, p.69). There seems little doubt, then, that the Party had failed to answer the question of stability during this period due to internal power struggle instigated by Mao. Furthermore, Mao's doctrine of a continuous revolution during the Cultural Revolution, used to denounce those within the Party leadership who wished to focus on economic development as traitors to the revolution, may be sincere or merely a plot to attain and keep power. However, a continuous revolution would mean that transition to a governing party would be difficult, and arguably, unnecessary.

4.4 Residues of Imperial Legitimacy Concepts.

The Cultural Revolution saw Mao elevated to the status of a semi-divine figure ruling the country like emperors of old. Lin Biao (林彪 1907-1971), a close ally of Mao and his designated successor, with the succession written into the Party's constitution (Uhalley and Qiu 1993, p. 388), famously said that 'Chairman Mao is a genius, every word uttered by the Chairman is the absolute truth, one word from the Chairman surpasses Ten Thousand of ours', (毛主席是天才, 毛主席的話句句是真理, 一句超過我們一萬句) (You 2006, p. 130). Lin initiated campaigns such as the Four Infinites (四無限) dedicated to the worship of Mao; infinite worship, infinite devotion, infinite belief and infinite loyalty (無限崇拜, 無限熱愛, 無限信仰 無限忠誠) (You 2006, p. 130).

Despite the revolutionary and Marxist rhetoric, Mao's actions during the Cultural Revolution had more in common with legitimation concepts from the imperial era. The deification of Mao into a semi-divine figure has echoes with the son-of-heaven from a bygone age, and the incessant chanting of 'Long Live' (萬歲) certainly did have strong connotations with imperial grandeur. China during that period was being ruled not by law, or even by Party policy, but by the whimsical wishes of the aging Mao (Tong 2005, p.21). Tong Tekong's analysis of Chinese history asserts that China was at a transition stage between imperial autocracy and democratic governance, which he called the 'historic three gorges' (歷史三峽) (Tong 2005, p.17). The historic three gorges hypothesis is a deterministic view of Chinese historical political development, the first gorge being the feudal (pre-imperial) era, followed by the imperial era and the last is the democratic era (Tong 1999, p. 7; cited in Zhou and Xu, p.116). The period of Mao's rule was, according to Tong, a bottleneck between imperial and democratic transition. Notwithstanding Tong's definite prophecies that the transition would take 200 years, beginning with 1842, the idea that the Chinese state was still searching for viable concepts of governance having discarded the old Confucian based imperial model is not controversial. Furthermore, if Tong's analysis that the 'the past 5000 years of Chinese history is in reality an history of imperial autocracy' (過去五千年的一部中華通史, 實是一部帝王專制史) (Tong 2005, p. 16) is correct, then it is a reasonable case to make that some residues of imperial legitimation concepts would remain in the mind of both the leader and a large part of the population during a period of transition. Indeed, Ann Anagnost, writing in 1985, argues that 'the popular conception of the [Chinese] state was drawn from a mythic history' and that despite the control of the discourse by the Party, the consciousness of the mass was still influenced by this history. (Anagnost 1985, p.169). Given that Mao was also a product of this culture and historic

transition that had not been completed, it is not too far-fetched to see some of his acts during his rule were affected by vestiges of imperial concepts of legitimacy.

Mao certainly ruled like an emperor of old during the Cultural Revolution. He was so confident of his position in his later years that he openly admitted to being an absolute tyrant without regards for laws or constraints. In an interview with Edgar Snow, Mao described his actions using the term 和尚打傘 (cited in Barme 2010, p.263), which literally translates as a Buddhist monk with an opened umbrella. This is a Chinese idiom to denote lawless and disregard for constraints, as the second part of the phrase is 無法無天, which literally translates as no law and no heaven (法 meaning law and 髮 meaning hair have the same sound in Chinese). So rather than the portrait of a romantic revolutionary, as a lonely monk in the rain with a leaky umbrella on the road to salvation, which was the result of poor translation, Mao was actually portraying himself as an absolute tyrant with the arrogance (or confidence) to openly acknowledge the fact.

There is an interesting observation by Tong Tekong concerning the effects of residuals of imperial legitimacy concepts on Chinese leaders since the fall of the Qing imperial house. Tong contends that the main reason for Yuan Shikai's attempted restoration was his lack of knowledge in how a president should govern, whereas that are more than three millennia of Chinese precedents of imperial rulership to follow (Tong 2005, pp. 29-30). Tong also contends that both Chiang and Mao would have made good (great in the case of Mao) emperors but bad presidents. The role and power of traditional Chinese emperors are well known both to the rulers and the people, so rulers would know how to act and the people what to expect. Certainly, were Mao an actual emperor, the power struggle which led to the Cultural Revolution could

have been avoided, or at least, would have taken a different form with less disruption on wider society. The contentions of Tong seem to support the view that residuals of imperial legitimacy concepts have led to ideological confusion within Chinese society as it searches for the most appropriate political ideology in its long march towards modernity.

4.5 The Legacies of Mao: The Failed Transitions of the Country or the Party

Mao died in September of 1976, and his death heralded a new search for a viable route to the modernisation and rejuvenation of the country, which in 1976, as in 1911 and 1949, remained the overarching objective. China's experiment with Mao's version of Marxism-Leninism to achieve this had failed, and China in 1976 once again stood at the brink of abyss. The legacies of Mao after 27 years of rule were a fundamental breach of trust between first the intellectuals then the peasants, a major famine which resulted in the death of an estimated 30 to 46 million people, a ten-year period during the Cultural Revolution which saw the country descend into an economic basket case and the collapse of social order, with a lost generation who had missed formal education, the elites of which had also suffered the indignity of living a poor rural peasant lifestyle.

The other legacies of Mao were the inability to transform the country into a modern industrialised state, or the Party into a governing party. The two issues are related, for it is reasonable to argue that without the overly ambitious Great Leap Forward and its ultimate failure which had resulted in tragedy, the Party may have built upon its early successes and created a modernised Chinese state and transformed into a governing party. As it was, the country was plunged into the chaos of the Cultural Revolution by Mao in a bid to regain power. The doctrine of continuous revolution used to do so would ensure that the Party would remain

a revolutionary party more interested in factional in-fighting for the sake of ideological purity rather than economic development. Zhang Dinghuai and Tu Chunguang argue that the Party during this period remained ideologically at the revolutionary stages (Zhang and Tu 2003, p. 68), while Wang Qisheng also asserts similar sentiments (Wang 2015, p.151). Lan Weiqing asserts that this inability for the Party to transform itself into a governing party, and the focus on class struggles (以阶级斗争为纲) resulted in the split of the Party and the collapse of the state system and effective governance during the Cultural Revolution (Lan 2015, p.15). The inability of the Party under Mao to answer the first question successfully or to transform the Party had, and have huge ramifications for his successors, given that Mao cannot be totally discredited without also impairing the legacy of the liberation, and thus the legitimacy (from a descriptive, Weberian context of traditional rule) of the Party.

4.6 The Setting of the Red Sun, 1976-78: The Search for Direction after the Death of Mao.

A series of power struggles within the Party after Mao's death would determine the ideology to guide the country to a bright new dawn after the chaos and economic ruins of the past 27 years of mainly Mao's rule. The first struggle was between Hua Guofeng (华国锋 1921-2008), Mao's designated successor, and the Gang of Four, in which Hua won (Domes 1977, p. 473). Hua, however, miscalculated, and without the counter influence of the Gang, he succumbed to the pressure from Deng's wing of the Party to rehabilitate Deng to a position of power (Baum 1994, p.4). Deng gradually side-lined Hua, and became the de facto leader of the Party after Hua's forced resignation was accepted in 1981, though his power were increasingly being weakened from 1978 onward, and Deng and his allies in the Party took many of the main policy decisions.

Deng's victory over Hua was partly due to the Beijing Spring, which began as the Democracy Wall movement. Posters criticising the Cultural Revolution and supporting Deng were appearing in the Xicheng District of Beijing in late 1978 to early 1979, and spread to other major cities. Deng was supportive of the movement at first, as it supported him in his fight with Hua for power of the country. Jurgen Domes, writing in 1977, cites an example of the political in-fighting of the time, where a wall-poster denouncing Hua as the fifth Gang member was put up in Canton City (Guangzhou) in March of 1977 (Domes 1977, p. 474). The struggle between Hua and Deng can be seen as the choice between continuing Mao's doctrine of a continuous revolution or the transformation of the Party into a governing party with the aim of modernising the country. Note that this did not mean that the Party would relax its grip on power, but only that the focus will be building a new China based on economic development rather than ideological purity. Certainly, any hopes of a more sympathetic approach to democratic governance by the Party were quickly extinguished soon after Deng's victory in the power struggle. Deng quickly turned on the Beijing Spring movement after it morphed into demands for greater democracy with the call for a 'fifth modernisation', democracy, by Wei Jingsheng (魏京生) (Brodsgaard 1981, pp.747-748). Wei would later be jailed for his activities calling for the fifth modernisation. With the suppression of the movement, any faint hope of democracy taking hold in China was crushed by the Party with Deng at the helm.

4.7 Reforms, Tiananmen and the Aftermath, 1979-2012.

Deng would face the same problem as his predecessor in how to reconcile the misrule of the period between 1949-1976. It can be strongly argued that the first part of CPC rule failed the first question, rendering the first 27 years rule of the Party illegitimate. The deaths, violence

and chaos during this period can be blamed either of the personal misrule of Mao, or that Marxism-Leninism was not able to deliver the promised rejuvenation of the country. Both, however, would diminish the legitimacy of the Party.

The Party cannot afford a programme of completely denouncing Mao for its misrule during this period, unlike Soviet Russia with the programme of complete de-Stalinisation after the death of Stalin. Whereas it was Lenin who founded the Soviet Union, and Stalin the consolidator of communist power in Russia, Mao both founded and consolidated the rule of the Party in China, and so can be seen as both the Lenin and Stalin of China. A complete denunciation of Mao would therefore have put the whole legitimacy of CPC rule in doubt. The alternative, of casting aside Marxism-Leninism would also put the legitimacy of the Party at risk, for if Marxist values and practices were not the solution to the modernisation of the Chinese state, then it would beg the question why a Marxist party should rule the country.

The Party, if it wished to retain power with some legitimacy, must then somehow convince the country that it remained the best option to lead the country to a bright new future despite its history of misrule. Deng would initiate reforms to answer the first question, and based the Party legitimacy by improving the living standard of the people, echoing Habermas's notion that material incentives can be substitutes for values. Whereas Deng kept a tight grip on the political power structure, he would attempt to improve the economy and reclaim legitimacy by initiating economic reforms as a viable route to modernisation (Zhao 2009, p.422). Ideologies were put to one side, with the famous Cat aphorism which states that as long the cat can catch the mice, it doesn't matter if the cat is black or white (Li 1999, p. 91). This is an analogy that as long as the system can deliver the aims of a rejuvenated China, it does not matter if it is

socialism or capitalism. The Party would not debate the issue of ideology, but would focus on the overarching objective of economic growth (Zheng and Gang 2015, p. 61). The reforms were successful in that they had begun to improve the economy of China. That success, however, also raised further questions in terms of both legitimacy and self-legitimation.

The reforms opened up the contradictions of a purportedly communist regime being in charge of an increasingly market-orientated economy. Ironically, the reforms aimed at sustaining, or restoring, the legitimacy of the Party, seemed to further question its legitimacy. The putting aside of socialism, or to redefine socialism purely in terms of increased materialist wealth at the expense of other values created possible legitimacy problems. Chen Feng states that the change of focus of socialism as purely to increasing economic productivity reduced the Party's monopoly on political expression, while the attempt to '...subordinate other values for economic growth weakened social cohesion and created new political problems because of the contradictions between the regime's policies and the population's continuing acceptance of many socialist norms' (Chen 1997, pp. 421).

The habitual acceptance of socialist norms is only part of the problem. If the reforms had brought propensity to all in a fairer manner, it was unlikely to have caused such resentments to the degree that it would lead to the mass protests seen at Tiananmen in 1989. There were major issues with the liberalisation of the economy, the most important of which were corruption by officials, who would trade their power for financial advantages. This is in stark contrast to those left behind by the reforms, the masses who had remained poor as other had got rich, and the newly unemployed as a result of the privatisation of state industries deemed inefficient or not critical to the national interest. The mantra of the Party to let a small group of people get

rich first (讓一部分人富起來) (Li 1999, p.91), must have caused major discontent if this group of people were mainly Party officials or those with connections to officials. The main problem here is that if the egalitarian values of Socialism cannot promote growth to lead a prosperous future for all, and so there is a need to embrace the competitive nature of a capitalist market system, then why is there a need for Socialism, with or without Chinese characteristic? That is, if socialist values of fairness can be subordinated to economic growth, then question can be asked whether socialism really is the best way forward for the rejuvenation of China, and if it is not, then further questions can be asked about the Party's right to rule.

These legitimization and motivational deficits caused by Deng's economic reforms culminated in mass protests in major cities across China by students in 1989. Indeed, one of the grievances of the protesters focused on the corruption of Party officials. The protest caused split within the highest level of the CPC, with the General Secretary of the Party, who was sympathetic to the protesters' demands for political reform, placed under house-arrest on the orders of the old guards led by Deng, and the protest violently suppressed by the army in Beijing (Spence 1999, pp.696-702). The 1989 June 4th Tiananmen 'incident', or massacre, led to a major legitimacy crisis in China. Commentators expected the regime to fall soon after the massacre (Zhong 2007, p.201), but it seemed that the charismatic leadership of Deng, the loyalty of the army, which was still mainly controlled by the old guards of the revolution, and continued economic growth kept the Party in power.

The bloody suppression of the Tiananmen protest led to calls to roll back the reforms, as the left wing of the Party blamed the inevitable relaxation of political control due to the reforms as the main catalyst of the protest. Although the CPC kept a tight grip on power, the former strict

control of every aspect of the population during the Maoist era was relaxed for labour mobility needs. Whereas in Maoist China, people who do not show express support for the Party were persecuted, the situation in post-reform China was more relaxed, in that as long as people did not publicly criticise the Party, with such criticism potentially threatening the Party's rule, they were left pretty much in peace. In that context, China had progressed from a totalitarian state to being merely authoritarian. However, the reforms also seemed to have caused problems of self-legitimation in part of the elites, with the left faction of the Party unhappy with ideological directions the Party was taking. Zhao Suisheng quotes a leading official of the propaganda department unhappy with the retreat of Marxism in the discourse by asking a rhetoric question: 'When a communist party's propaganda department does not publicize the basic theory of Marxism-Leninism-Mao Zedong Thought, what class does it represent?' (Zhao 1993, p.744). In the face of such pressure, Deng had to take a tour of the South to ensure to promote the reforms and ensure that they were kept on track (Zhao 1993).

The other aftermath of 1989 was the promotion of patriotism and the virtues of Party (Zhao 1998). The CPC also seemed to intensify its version of a Habermasian legitimation scheme to put off a legitimacy crisis, focusing much of its legitimation efforts on the continued rapid growth of the economy to substitute for deficits in ideological legitimation (Wang 2014, p.1; Taylor 2015, p.107). The Deng leadership's slogans of '穩定壓倒一切' (stability overrides everything) (News of the Communist Party of China, N.D., A), and '發展才是硬道理' (development is the absolute principle) (News of the Communist Party of China, 2009), are good examples of appealing to security and social stability combined with economic growth for the legitimation of CPC rule. However, the appeal for legitimacy purely on an economic basis and the need for coercion can be problematic. Without a set of shared beliefs and the

consent of the ruled, the established order can only be maintained by delivering the promised rewards or by coercion, and may not be able to withstand any unexpected shocks to the system, or when the will to rule by coercion is lessened (Zhu 2001, p.125). Of course, if the Chinese economy can continue to enjoy the same rate of high growth in the future, then all talks of legitimization crises may be moot. The PRC, however, was beginning to lose what Ian Morris (2010, location 3269 of 16163) calls the 'advantage of backwardness', and historical evidence suggests that rapid growth in developing economies would inevitably slow or stagnate at some point due to diminishing return of capital and the so-called 'catch-up effect' (Papava 2014, p.4). There is a need, then, for a legitimization ideology that can motivate the Chinese people to support the CPC in more difficult economic times given the likely slowdown in growth.

Marxist-Leninist principles, however, may have lost their ability to motivate the Chinese people given the market-based economic structure (Holbig and Gilley 2010; Schubert 2007; Guo 2003; Bell 2008), or in other words, legitimization stories based on Marxism-Leninism are increasingly difficult to accept given societal practices and conditions. Indeed, there were huge disparities of wealth within Chinese society (Yuen et al 2013, p114), and it is hard to see how this can be reconciled with Marxist values of egalitarianism without resorting to the Orwellian concept of Doublethink. There is evidence that the CPC had recognised this and there had been a gradual shift from Marxism-Leninism rhetoric in the official discourse since the early 2000s. Jiang Zemin's (江澤民) '三個代表' (Three Represents) (Sun and Liu 2014, p.105) was a direct appeal for legitimacy based on the virtues of the CPC. Zhang and Tu (2003, pp. 70-71) state that the Three Represents was the milestone in the transformation of the Party from a revolutionary party to a governing party, and thus officially ending the class-based nature of the Party. Instead, the Party now claimed to represent the interest of all the people. Hu Jintao's

(胡錦濤) 和諧社會 (Harmonious Society) and 八榮八恥 (Eight Honours and Eight Shames) focused on virtues and social justice with strong Confucian overtones (Lin 2011, p.91).

4.8 Return to Core Socialist Values and The Chinese Dream, 2012-Present.

Xi Jinping, in his ascension to power in 2012, decided to halt the retreat of Marxist rhetoric, and promoted a return to core socialist values. Given the problems of self-legitimation of the elites that the retreat had caused, this is understandable. Furthermore, the lack of Marxist rhetoric in the official discourse could lead to questions on the need for a Marxist party to be the rightful ruler of the country. It seems the aim was to redefine the meaning of Marxism and socialism to preserve the relevance of the Party.

On the national level, prosperity, democracy, civility and harmony (富強、民主、文明、和諧) were proclaimed to be core values; while freedom, equality, justice, the rule of law (自由、平等、公正、法治) were held to be core social values. Patriotism, dedication, integrity and friendship (愛國、敬業、誠信、友善) were deemed as core values that should be held by the citizens (Gow 2017). Under closer examination, however, the values stated are not overly 'socialist', which has led Michael Gow (2017, p.96) to comment that these values are short on Marxist ideals, but instead focused on 'apparently apolitical traditional Chinese values'. Indeed, while none of the values proclaimed can be said to be expressly incompatible with Marxist ideals (with patriotism arguably the exception), they are also not expressly Marxist or socialist in the conventional understanding of the terms. This (mis)use of the terms 'Marxism' and 'socialism' seems to be a good example of Bell's (2008, p.8) observation that misuses of Marxism-Leninism in the official discourse have meant that it no longer confers

any legitimacy within Chinese society. Note it is not yet claimed here that the Party has lost its legitimacy, only that Marxism has lost some of its values for self-legitimation, and the Marxist legitimation story may no longer make sense to the people.

The 19th Party Congress held in 2017 trumpeted ‘Xi Jinping Thoughts on Socialism with Chinese Characteristics for a New Era’, and the 14 main principles of Xi’s Thoughts made some references to ‘socialism with Chinese Characteristics’ (BBC 2017; Xiang 2018). Point seven, in particular, reiterated the importance of ‘core socialist values.’ However, there do not appear too much difference between these new core values with the vague values proclaimed at the 18th Congress. Instead, the bulk of the 14 ‘fundamental principles’ contained within Xi’s Thoughts are related to the sustaining of a Leninist power structure (examples being 1, 10 and 14, which talk of ‘Ensuring Party leadership over all work’, ‘upholding absolute Party leadership over the people’s forces’, and ‘Exercising full and rigorous governance over the Party’. The remainders appealed to development and nationalistic sentiments rather than class solidarity.

The retreat from Marxism (in content if not name) in the official political discourse is therefore striking, despite the rhetoric. Chris Buckley (2018) observes that Xi regularly quotes Confucius in public, promotes the idea that the Party is the best protector of the traditions of a 5000-year-old civilisation, and the best hope for the ‘great rejuvenation’ of China to its former glories, rather than appealing to class solidarity, egalitarianism or the dictatorship of the proletariat in support of CPC rule. It is not being disputed that the Party is trying to consolidate the existing Leninist power structure against liberal alternatives. Indeed, any liberalisation of the political system would likely threaten the Party’s hold on power, and unless the Party

intends to follow its Kuomintang counterpart in Taiwan during the 1980s in giving up its monopoly on power, the promotion of a Leninist power structure is very much to be expected. It is being argued, instead, that the Party is retreating from Marxist values while trying to hold on to the Leninist power structure, and applying the label of Marxism/Socialism to nationalism and traditional Chinese ideals in its claims to legitimacy.

The nationalism side of the legitimization story by Xi is detailed in his proclaimed Chinese Dream; in which he states that 'to realize the great rejuvenation of the Chinese nation is the greatest dream for the Chinese nation in modern history.' (Wang 2014, p.1). The Chinese Dream seems to be based on the combination of the legitimization stories of the Party post-reform, with the added objective of lifting the masses to middle-class living standards (Taylor 2015, p. 107.) Chinese exceptionalism is an overarching factor of the Dream, and *Civilization*, a web-based magazine run by a subsidiary of China Central Television states that the Dream is 'a rich, multifaceted concept, a complex, yet definite idea. It is a condensation of Chinese thought, spirit and wisdom.' (Civilisation 2013). The Party is also creating the narrative that only it can realise this dream, so patriotism also means necessarily supporting the Party (Sørensen 2015, p. 56).

The present regime's emphasis on nationalism and the conflation of party and state is a powerful legitimization story given the discourse of the century of humiliation. However, with the dilution of Marxist values and practices, the Party has not definitively showed why it is the only actor able to bring about the rejuvenation of the country. Furthermore, it has also forcefully suppressed dissenting voices and arrested those who propose alternatives to the rule of the Party. The practice of suppression and imprisonment of dissidents has been extended to

Hong Kong, a city with a fair degree of freedom of expression and political freedom until 2020. The pro-democracy newspaper, Apple Daily, has had its owner and senior editorial staff arrested under the new National Security law (Lim 2021). Stand News, a web-based news outlet also suffered the same fate in late 2021 (Graham-Harrison 2021). Activists were arrested in 2021, 53 in total, for organising an unofficial primary election to determine the candidates with the best chance of winning in the local legislature election, in order to bring down the government in line with the legal procedures contained with the Basic Law, the mini-constitution of Hong Kong (BBC 2021).

It cannot be denied that the Party's economic record post-reform has indeed been good, but that could be explained in terms of the advantage of backwardness, and for all its claims of being the choice of the Chinese people, it has not yet subjected itself to the test by actually giving the people a meaningful choice. Furthermore, the present leadership has showed no signs that it can deal with the historical baggage of the Party's misrule, except in limiting any discussion on the topic. The strategy seems to be consolidation of its rule based on a further tightening of the discursive space (Ba 2016). The Great Leap Forward is still couched in euphemistic terms as the '3 years of nature disaster' rather than a huge tragedy caused by the misrule of the Party (Zhao and Reimonds 2012, p. 282), and public debates on the mistakes of Mao in general, and the Cultural Revolution in particular, are banned, as is Tiananmen.

4.9 Conclusion.

The first part of CPC rule still has huge implications for the framing of legitimation stories for the present regime. The death of tens of millions from starvation during the Great Leap Forward and the decade of chaos during the Cultural Revolution severely dented the legitimacy

of the Party. The failure of the Party under Mao to even answer the first question, and its inability to transform itself into a governing party during that period remains a problem for successive leaderships since 1976. The complete denunciation of Mao by the Party would risk its legitimacy based on the liberation.

The economic reforms initiated by Deng and continued by his successors to rectify the horrors of the first 27 years of misrule, however, relied on the very much anti-Marxist practices of the liberalisation of market forces. Hence, despite success in the modernisation of China, the Party still seems to have a problem of legitimacy. Given the ideological basis and tradition of the Party, it must still rely on Marxism principles and values as the ideological framework of rule, at least in the rhetoric. It would be therefore hard for the Party to openly denounce Marxism without also damaging their claim to rule unchallenged. As such, the Party still has not solved the problems of cognitive dissonance with the people given the inherent tensions between the stated values of Marxist ideology and societal practices since the reforms. Or at best, the ideology is becoming increasingly irrelevant in people's daily lives, and is mostly ignored.

The ideologies advocated by the various successors of Deng may be made 'compatible' with socialism by adding the suffix 'with Chinese characteristics', but it cannot hide the fact that what is being put into the bottle labelled Marxism or socialism is not based on Marxist principles. In many ways, the Party is caught in an impasse in terms of its legitimation efforts. It cannot disown the legacy of the liberation or the ideological basis of the Party, for its self-proclaimed right to rule is firmly based on these factors. On the other hand, the original policies of the Party prior to the reforms led the country in a downward spiral of chaos and death. The

efforts to reclaim legitimacy from a performative perspective has led it embarking on a path contradictory to its ideological origins, while attempting to keep the same name.

The economic reforms by the Party have now successfully answered the first question. The present Chinese state is no longer backward, either economically or militarily, and is fully modernised, at least in terms of its technology and economy. It is no longer under direct threats from foreign powers to its sovereignty. In that sense, the century of humiliation has ended. However, it seems that the country is still ideologically confused as in 1911 or 1976 in its quest to find a viable ideology for the legitimacy of a modern Chinese state. For Marxism remains the official ideology of the single party state, despite the evidence that the economic successes were obtained by a capitalist turn.

The legitimisation stories of the present leadership seem to be based on persuading the people to look forward to a bright future on the path set out and led by the Party whilst ignoring the mistakes of the past. They are based on a combination of nationalist values and Marxist rhetoric; the rejuvenation of the country guided by Marxist values and led by the Party. Where Marxist values are contradicted by societal practices as a result of the Party policies on the economic sector, the Party has sought to redefine Marxist values. Given the discourse of the century of humiliation, the nationalistic Chinese Dream for the rejuvenation of the Chinese nation remains a powerful story likely to make sense to the people. This aim has been an overarching theme in regimes of all political persuasions since the late Qing period. Whether this aim can be achieved by Marxist ideology given the present economic and societal practices is much more contested. In other words, the Marxism part of the legitimisation story would be

harder for the people to make sense of, and this will be examined in the next chapter by the framework set out in Chapter Two.

Chapter 5: Contemporary Legitimacy Issues of the CPC

5.1 Introduction.

The discussion so far has found that the narrative of the century of humiliation has the most influences on the legitimization stories for a modern Chinese state. The Chinese nation has discarded its traditional concepts of legitimacy, usually based on Confucianism, but successive regimes of different political persuasions have yet found viable alternatives, despite the experiments with different ideologies for the past century and a half. From whichever end of the political spectrum, the overarching story being told since late Qing times by regimes has been, and still is, the need for the rejuvenation of the Chinese nation. The current regime's take on this is the Chinese Dream, with middle-class living standard (小康社会) in a modernised Chinese state able to take its rightful place as a leading nation in the world. Given the century of humiliation discourse which encourages nationalistic sentiments, this part of legitimization stories based on nationalism and the rejuvenation of the Chinese nation is a powerful one, and likely to make sense to the majority of the people.

What is more debatable is the assertion by the present ruling order that this aspiration for the rejuvenation of the Chinese nation can only be achieved by the unchallenged rule of the Party guided by Marxist ideology and values. The tens of millions of deaths, destruction and chaos caused by the Party's misrule from 1949-1976, and the need to roll back the frontiers of Marxist values and practices to mitigate the damage caused by the Party's inability to answer the political first question would seem to make this part of the legitimization story harder to make sense of. A straightforward way to examine whether the people do make sense of this part of the legitimization stories being told by the Party is to survey the people's attitudes. However, the present mode of governance in the Chinese would make any large-scale surveys not

sanctioned by the Party extremely difficult, if not impossible. It is also highly unlikely that the Party would sanction any survey that may question its legitimacy to rule. Furthermore, the outright suppression of any criticisms of the Party's right to govern would also make the validity of the results debatable, even if such surveys are possible. Smaller ethnographic studies conducted over longer periods may produce more accurate assessment of local views, but given the size and the socio-economic diversity of China, it would be hard to extrapolate from the limited data from a small study into representative data on the feelings of the Chinese people towards the rule of the Party. It is, however, far beyond the scope of this thesis to conduct multiple ethnographic studies to come to a more representative picture of the attitudes of the Chinese people. Hence, it is not the aim of this thesis to examine the attitudes of the Chinese people. Instead, this thesis will examine if the legitimization stories can make sense to the people given present societal practices, and whether the people are given the choice of informed and meaningful consent to determine the legitimacy of the CPC.

This chapter will, then, examine the relevance of Marxist ideology and values in the legitimization stories told by the Party, and the overall legitimacy of the Party using the framework set out in Chapter Two. As a reminder, the criteria for political legitimacy set out in chapter Two is that the people make sense of, and by extension, support the legitimization stories being told with informed consent, and that this consent must be meaningful in the form of rejectability. The examination will be in three parts. The first is to determine whether the Marxist part of the legitimization stories being told can make sense and be supported by the people without causing cognitive dissonance. Although as discussed in chapter Two, legitimization stories that are in conflict with societal practices do not necessarily denote that the regime is illegitimate, and the converse, that legitimization stories with values which are consistent with social norms and practice do not necessarily make a regime legitimate, also

applies. Legitimation stories that are in conflict with societal norms and values would make it more difficult for the people to make sense of, and easier if there are no conflicts. Harder and easier are both vague terms that are hard to quantify, but this criterion will give a fair indication of the likelihood of the stories making sense to the people in a realist scheme of legitimacy. However, a story that may likely make sense to the people, but which fails the freedom of expression for informed consent, or the third test of meaningful consent would be deemed to lack legitimacy. The second part is, therefore, an examination how support is obtained, whether by coercion or freely given. Note that as stated in chapter Two, control of the discourse would count as a form of coercion. This is the test of informed consent. The third part of the chapter will discuss whether the concept of democratic centralism and the system of consultations as practiced in China are truly democratic in the sense that they can allow for the concept of rejectability.

It will be demonstrated that the Marxism part of the legitimation story is hard to make sense of by the people. Furthermore, without a system that can allow for an informed and meaningful choice by the people to express whether they make sense of the contradictions between the values stated in the legitimation story and societal norms and practice, the logical conclusion would be that they do not. The present system of governance in China does not allow for these choices, so it will be argued they do not. The findings that the present Chinese mode of governance denies the people the right to be informed and meaningful consent would seem to render the present regime illegitimate. That the legitimation story might contain some aims that the people might aspire to, does not necessarily mean that the people will accept the present

order are the best people to realise these aims. The lack of democratic legitimation can therefore be a sign of illegitimacy.

That said, the fact that part of the legitimation story as told by the Party does not make sense to the people, and/or that the Party lacks democratic legitimation do not necessarily mean that the Party is about to collapse or must exert excess suppression to remain in power. A regime can still retain the confidence to rule through self-legitimation and a compliant population if they can deliver on the promise of rewards. This is based on the adaptation in the theoretical framework of the Habermasian notion that meanings and values can be substituted by promise of rewards such as stability or financial gains. The problems of relying on the Habermasian scheme will be discussed after the first three tests have been completed.

5.2 The Evolving Legitimation Stories: Socialism with Chinese Characteristics.

This part of the chapter will examine whether the main legitimating story with values based on Marxism-Leninism and Mao Zedong Thought can still make sense and be supported by the people given developments in China since 1978.

The legitimation stories have evolved since 1978. It was pointed out in the previous chapter that the Party under Deng discarded the continuous revolution and class struggle doctrines of Mao to focus on economic development. The reforms to mitigate Mao's decades of misrule led to ideology being put to one side. The leadership under Jiang declared that the Party has no further interest in class struggle or merely the representative of the proletariat, but was from that point onwards, the representative of the Chinese nation, while Hu's leadership aspired to a harmonious society with Confucian overtones. These could be used to argue that there were gradual shifts away from Marxism values by successive leaderships, with the Three Represents of the Jiang leadership as a milestone in that shift. The argument that there was a gradual shift away from Marxism is reinforced by the change in Article Six of the constitution in 1982. The Article Six of the 1978 Constitution states that there are only two kinds of ownerships of the means of production permitted, public ownership and workers' collectives. This was amended in the 1982 version to read that although China was a socialist republic with public ownership of the means of production and that no person is to be exploited, as China was still in the primary stage of socialism, the economy shall be based on diverse forms of ownership but with the dominance of the state sector with various modes of distribution. The 1982 version seems to contain an implication that the exploitation of labour is permitted.

The concept of a 'primary stage of socialism' is arguably incompatible with Marxism-Leninism. Lenin states that socialism, with the public ownership of the means production and no exploitation of labour, is the transition stage of communism (Lenin 1918, Chapter 5, section 3). A primary stage of socialism where this is not the case can at best be considered a mixed capitalist economy. So, although the Preamble in the 2004 Constitution of the PRC states that the guiding principles of the country are based on Marxism-Leninism Mao Zedong Thought, there is strong evidence that earlier leaderships in post-Mao China were gradually moving away from Marxist practices and values.

The shift away from Marxism, especially Mao's take of Marxism, was needed due to the misrule of the Mao period. However, the complete denunciation of either Mao or Marxism would weaken the Party's claim to rule. These points were discussed in the previous chapter. This shift from Marxism, then, was conducted under the guise of 'Socialism with Chinese Characteristics' in an attempt to keep the Party, purportedly a communist party, relevant. If these gradual shifts from Marxism were to continue and the project for the rejuvenation of the Chinese nation a success, the Party may morph into a nationalist party basing its legitimacy on the transformation of the country. However, during the process of transformation, a dilution of Marxist practices without stripping away much the Marxist rhetoric could cause a tension between the stated values of Marxism and societal practices. A dilution of both would lead to issues of self-legitimations in the Barker context given the Party's long tradition of Marxist-Leninist values, as well the legitimacy of a party steeped in Marxist traditions ruling a non-Marxist state.

The Xi leadership sought to overcome this by a reiteration of Marxist ideology in combination of overt nationalism with the proclamation of the Chinese Dream. Chinese cultural traditions and ethics, usually but not always based on Confucianism, became more prevalent in the official discourse. This is not a new trend, as both the Jiang and Hu leaderships have used Chinese cultural traditions as part of their legitimisation stories, but this seems to have become more widespread during the Xi era. The use of Chinese cultural traditions as part of the legitimisation story by the Xi leadership will be discussed further in chapters Seven and Eight, the focus here is on the reiteration of Marxist values in the legitimisation story.

The restating of Marxism, in rhetoric if not content, is most striking in the Xi's call for a return to core socialist values, and the proclamation of the 'Xi Jinping Thoughts on Socialism with Chinese Characteristics for a New Era'. The fundamental status of Marxism and Marxist values in the realisation of the Chinese Dream for the rejuvenation of the Chinese state is a central part of the official discourse under Xi. Dong Xuewen (董学文) states that Marxism must firmly remain as the leading ideology of China (Dong 2020). Jiang Hui (姜辉) states that the fourth plenary session of the 19th Central Committee of the Chinese Communist Party declared Marxism as the leading ideology to be a fundamental feature of system (Jiang 2020). Han Xiping (韩喜平) makes the argument the fate of Marxism is tightly intertwined with the Party (Han 2019). These views are shared in an editorial in the official party journal, *Qiushi* (求是), which states that 'the great spirit of the Chinese nation relies on the power of truth to sustain, and that this power of truth comes from Marxism-Leninism' and the various thoughts of successive party leaderships (Qiushi 2018). It is fair to say, then, that the nationalistic legitimisation story of the Chinese Dream for the rejuvenation of the Chinese nation is based on Marxist ideology and values, at least in the official discourse. Furthermore, Xi states clearly

that learning the basic theory of Marxism is compulsory for all party members (Xi 2019a). To see how the values contained within Marxist theory are contradictory to current societal practices, it is helpful to revisit the central concepts of Marxism.

5.3 Marxism Revisited.

The Marxian view of the market is that it is fundamentally flawed (Marx 1909). Furthermore, The division of labour results in the worker having minimal connection to the final product and treated as mere wage-labour, which is inherently degrading under the theory of Alienation (Marx 1959, pp.29-30; Ollman 1996, pp.131-135). The concept of private property shows the benefits of, and the incentive of accumulation, and Marxist theory on the surplus value of labour asserts that the basis of accumulation by the capitalist is exploitative by nature in a market system (Marx 1909, p. 235, pp.400-401; Howard and King 1976, p.71). Given this, there is a need to replace the market and the need for accumulation with something better, and the main tenets of Marxism are that there should be a planned economy combined with the collective ownership of the means of production, where products are produced to be consumed, rather than as commodities, and the full value of labour is redistributed to the collective (Desai 1976, pp.14-16). In such a system, the problem of over-supply would be solved, the issue of exploitation would be negated, and the alienated worker becomes unalienated, as the worker is no longer a wage-labour, but master of the work. The main aims of the Enlightenment project, the emancipation of man from oppression and exploitation, is then finally realised.

Although Marxism conceives an idealised version of an industrialised society where the working classes would be masters of their own destiny and the wealth of society is shared equally, there seems to be no clear road map to this utopia. Instead, the claim is that when

production forces reached a certain level, change to the structures of society would inevitably occur; from primitive tribes to feudal structures, to the rise of the merchants in a capitalist system, onto socialism and finally, communism and the withering away of the state (Engels 1947; Roemer 2017; Chiesa 2017). It is expected, however, that the road to a worker's paradise must be prefaced by the rise of capitalism, as socialism depends on the production force being sufficiently advanced to be able to support the egalitarian values of socialism and communism. That is, Marxism is about sharing equally the wealth of a rich, industrialised society rather than all being equal but poor. It is for this reason that classical Marxism would assume that any workers' revolution would occur in the already industrialised Western European states and the US.

5.3.1 Marxism-Leninism-Mao Zedong Thought.

Marxist revolutionaries in mainly agrarian societies are therefore stuck in an ideological vacuum or need to support bourgeoisie reforms/revolutions if they wish to reach the utopia of a worker's paradise, as plainly a mainly agrarian society is not ready for any such transformation without first going through the stages of capitalism as dictated by classical Marxism. Marxism-Leninism is a way out of this, in which a communist party act as the vanguard of the people (Lenin 1961). The party would hold power centrally on behalf of the people, implement industrialisation under socialist conditions, raise the consciousness of the people, and return power to the people when the socialist transformation is completed (Meisner 1971).

Mao, working under even more primitive conditions (in terms of industrialisation) in China, proposed the idea of an initial stage of socialism (Wilson 1989, p.77). Mao's concept of China being at the initial stage of socialism states that backwardness of the country would mean that

it is necessary to rely on the peasants rather than the workers for the success of the transformation. Hence, Marxism-Leninism Mao Zedong Thought is an adaptation of Marxism to suit Chinese conditions, in essence, the original socialism with Chinese characteristics. Though some superficial details of Marxism had to be adopted to get to the aims of socialism and communism as in the case with Lenin and Mao, the economic structures nevertheless remained strictly socialist, in the form of a planned economy and with the public ownership of the means of production. Indeed, distribution of wealth in China pre-1978 was based overwhelmingly on an egalitarian basis, with the exception of top Party officials. Even then, the top Party officials were dressed in spartan manners with few outward signs of excess wealth, and so looked the same as the masses.

The Great Leap Forward and the People's Commune were meant to propel the country to the latter stages of socialism and then communism but the experiment of accelerated developments to reach higher stages socialism ended with mass famines. Notwithstanding the failures of these policies to transform the country at breakneck speed to by-pass the need for the capitalist stage, the basis of the Marxist-Leninist Mao Zedong Thought legitimization story was consistent with the stated values. Almost everyone was outwardly equal, and all were working hard to strive for a better tomorrow, however illusory. The public ownership of the means of production also gave the impression, no matter how superficial, that the peasants and workers were indeed masters of their own land and factories. However, it did not really matter what legitimization stories were being told during this period, as they were rendered irrelevant in the context of legitimacy based on the framework set out in chapter Two, due to the failure to answer the first question successfully.

5.4 Post-reform Contradictions between Stated Values and Societal Practices.

The ideological conflicts between societal practices and Marxist ideals as a result of the reform post 1978 are harder to reconcile. The liberalisation of much of the economy without accompanying changes to the stated fundamental Marxist-Leninist values supporting the power structure makes the legitimisation story hard to accept without some serious mental gymnastics. One example of this is the massive inequalities of wealth in China (Han and Zhao 2016, p.24.). Such huge wealth disparities are difficult to reconcile with the Marxist value of egalitarianism, even with the suffix (or prefix if stated in Chinese) of ‘Chinese Characteristics’. Other examples include the more wide-spread use of the free market which has replaced the Marxian critique of the flawed nature of the market, and the decline of the public ownership of the means of production have meant that workers are once again alienated as mere wage-labour according to Marxist theory.

Private enterprise is dominant in the Chinese economy. According to Mckinsey and Co, in 2018, the private sector employed 87% of urban workers, was responsible for 88% of export, and 65% of fixed asset investment (cited in Buchholz 2021). The privatisation of much of the state industries, the commodification of the health, housing and education sectors, the focus on accumulation and the state intervention on behalf of the market (Lee and Zhu, 2006; Li and Yi, 2007; Duckett, 2004; Li and Wei, 2010; Lee and Zhu, 2006), have even led some writers to describe the present system as neoliberalism with Chinese Characteristics (Harvey 2005, p.120; 2006, p.34; He and Wu 2009). The idea that Chinese economic reforms are based on neoliberal tenets is a controversial claim and very contested. Other writers, (Zheng 2008; Logan and Fainstein 2008; Pei 2006) state that this is going too far, as while China has liberalised much of its economy, the state is firmly in charge of the market, and will intervene if it thinks it

necessary. The counter argument to this is that state intervention on behalf of the market is a classic sign of neoliberalism, and that neoliberalism is not the withdrawal of the state from the market, but a different kind of intervention with the aim of redistributing wealth from the masses to the elites (Davis 2014, p. 310; Aalbers 2013, p. 1084; Bonefeld 2010, p. 16). Without going into the finer details of the debate, it is nevertheless quite revealing that the policies claimed by the Party as being necessary in the initial stages of socialism can engender a vibrant debate on whether they are in fact neoliberal in nature.

The idea that China was at the primary stage of socialist development was resurrected as an attempt to try and resolve the contradictions between the official stated Marxist values and the increasingly market-dominated economic practices (Li 1995, p.399). However, while the argument that China is at the early stages of socialism may make sense to the people in a poor, backward agrarian society with all the outward structures of a Marxist society, the idea is harder to make sense in a relatively rich, industrialised society which has also dismantled much of its Marxist economic structures and practices. The argument that the shift away from Marxian values, structures and practices are necessary to advance the country to the next stage of socialism due to the backwardness of China now seems almost absurd given the strength of its economy and manufacturing base. According to the World Bank, China has the second largest economy in terms of nominal GDP, behind only to the USA, in 2020 (World Bank, No Date c). Li Ling notes that China had become a world leader in manufacturing by 2012, and as examples to support this, cites that China produced 80% of the world's personal computers and accounts for 80% of the world's production of air-conditioners (Li 2018, p. 66). Kerry Liu also states that China is the world's largest manufacturing economy, accounting for 23.6% of the world's total manufacturing output (Liu 2018, p. 308).

The increasingly capitalistic economic system since reforms began in 1978 also seems to have replaced the concept of the proletariat, at least in name, as being the masters of society. The human cost of China's industrial development via market liberalisation has been high. Ding Guodong and Bao Yixao note that tens of millions of people have left their rural homes to seek better wages in the cities, with the result of a whole generation of 'left behind' children who may have suffered psychological problems due to being brought up by either single parent or extended families (Ding and Bao 2014, pp. 411-412). A spate of suicides in one of China's most modern factories also help to highlight the problem of alienation in factory workers. The BBC reports that there was a string of suicides at the Foxconn plant in Shenzhen. The report goes on to mention low morale, long working hours with forced overtime and compared the modern electronic plant to a prison due to the tight security conditions (BBC 2010). The report also notes that to the average worker on 2000 RMB a month, the compensation of 100,000 RMB paid to family of workers who die on site must seem attractive to poor rural young people working alone in a big city, who made up the vast majority of the employees, to provide for their families. Joel Johnson reports that Foxconn is the biggest private employer in China, with some of the better facilities for workers compared with other smaller employers (Johnson 2011). This would imply that factories with worse facilities would have even bigger problems in terms of worker alienation.

The problems in Foxconn are not isolated cases of lonely young workers taking their lives during periods of depression, but appear to be the results of the systemic nature of labour relations in post-reform China. Chris Chan and Khalid Nadvi state that poor labour conditions are due the asymmetry of power between international lead firms and developing countries. They cite the case of low pay and poor working conditions in the Chinese garment industry, a sector in which China is the world's leading exporter, and link these conditions to market forces

of global buyers demanding higher quality at lower prices with shorter delivery times (Chan and Nadvi 2014, p. 515-516). Yu Xiaomin states that as China has become the factory of the world in labour-intensive goods, its factories have also increasingly been linked to sweatshop working conditions (Yu 2015, p. 168). Sabrina Zajak notes that China had experienced the biggest market building in a relatively short period of time, which had hugely impacted negatively on working conditions and labour rights (Zajak 2013, p.170). The practice of 996 (working 9AM to 9 PM, 6 days a week) in a large part of China's employment sector is a good example of the way market forces have affected working conditions in China. Jenny Wang has compared the practice of 996 to modern slavery, and blames the need for low-cost producers to cut cost to maintain their position in the global supply chain for the practice (Wang 2020, p.4334). Thomas Piketty concludes that this is the nature of unchecked capitalism (Piketty 2013, cited in Wang 2020, p. 4334). It seems indisputably, then, that the proletariat has reverted to being mere wage-labour as the market has become more dominant.

The Marxist part of the legitimisation story being invoked, therefore, cannot easily make sense to the people, as it is to all intents and purposes a capitalist economic system based upon a Leninist power structure with stated Marxist values. In which case, given the demise of Marxist values within society, the question of why there is a need for a Communist party in charge of what increasingly looks like a capitalist society is likely to be asked. The Xi leadership has tried hard to drum up the socialist rhetoric since 2012 in attempts to rescue the Marxist side of the legitimisation story. It is not clear whether those were attempts at self-legitimation in the Barker context, to sustain and bolster confidence of the ruling elites to maintain the present power structure, or genuine attempts at legitimisation aimed at convincing the people. As discussed previously, the values proclaimed in Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era in 2017, although strident in the defence of the Leninist power

structure, were rather short on actual Marxist ideological contents. There may well be some merits in the claim of socialism with Chinese Characteristic would need to resemble capitalism for it to advance to the next stage, as opposed to the classical Marxism claim that each is a distinct stage of inevitable historical development. Such merits are, however, hard to find given the present vague definition of socialism with Chinese characteristic by the Party. Very few of the values proposed are expressly Marxist in nature, but rather focus on the need of the Party being in charge and traditional Chinese ideals. More importantly, even if there are some merits to be found in the small prints with contrived arguments, it would not be easy for the people to make sense of the arguments. The present economic and social conditions in Chinese society mean that it is unlikely that the Chinese people can make sense of the values proclaimed in the legitimization story, so it would be likely that Xi's Thoughts is an attempt at self-legitimation. So, while the Marxism side of the legitimization story might be useful for the self-legitimation of the Party, it fares far less well as a legitimization attempt aimed at convincing the people the legitimacy of its rule.

Of course, the fact that people cannot make sense of the main legitimization story without disregarding the values espoused by the ideology does not necessarily mean they do not support the regime. It is not inconceivable that a people can support a ruling order while dismissing the stated values of the main legitimization story, which in the context of the Chinese state, are Marxist values. This can be the case if the other legitimization stories, which in this case are the Chinese Dream, the rejuvenation of the Chinese nation and the need to wipe out the shame of the century of humiliation, resonate better with their sentiments. The other scenario may be the promise of stability or other rewards, usually financial, which can cause a disregard of the contradictions between the stated values of the ruling order and societal practices. In these cases, the regime can still be considered legitimate if they have the clear expressed informed

consent of the people to rule. For this to be valid, however, there must be conditions where such an expression of support is possible. The next part of the chapter will examine whether such conditions exist in China.

5.5 Freedom of Expression.

The rationale examining legitimacy in the context of informed and meaningful consent was set out in chapter Two. As a reminder, there is more than just consent needed for the legitimacy of a ruling order, rather, the consent must also be informed and there must be rejectability. For any consent cannot be valid unless the people know what the alternatives are, rather than being left with a single choice. The ability of the people to freely receive, construct and convey information and alternative narratives must therefore be necessary conditions for informed consent. Hence, the examination of informed consent in the context of legitimacy will be split into two parts. The ‘informed’ part will examine whether people have the freedom to access the relevant information and to disseminate this information freely to try and influence others if they so wish. It must be stressed again what will be examined is not whether the people are fully informed before deciding, for that would be almost impossible to determine. Rather, what will be examined is whether people have access to the relevant information and therefore can be informed in principle under the system. The ‘consent’ part will examine whether the consent can be meaningful.

The freedom for people to have access to all the relevant information and to construct different narratives is important, as without this freedom, any purported ‘choice’ would only be illusory. Of course, freedom of expression does have its limits. Good examples would be the banning of hate speech, national security or incitement to violence in even the most liberal of states.

There needs to be a balance between the rights of others and freedom of expression, and the test of legitimacy would be how the flow of ideas are limited by the state. That is, the state must set a high bar for the limiting of any freedoms of expression and cite clear evidence that certain expressions can either harm others or impinge upon collective security before curtailing that freedom. As stated in chapter Two, the limits to freedom will be based on JS Mill's idea that an individual's freedom cannot transgress the freedom of others, including freedom from harm.

A distinction must be drawn between public and private discourse. While it was dangerous during the Mao era, or indeed, during the early days of the post-Mao period, for private individuals to voice dissent against the Party line in private conversations or correspondence, things are less draconian at present. In that context, the Party has progressed from its totalitarian methods of rule, to being merely authoritarian. This charge of the Party being authoritarian is partly based on its tight control of the public discourse in all spheres of society. The Party has kept a tight control of the discursive space and allows no dissenting voices to create alternative narratives to challenge the narratives that only the CPC can be entrusted with the rejuvenation of China. This control extends to all areas of the media, including broadcast, print and online (Wong and Kwong 2019; Kou, Know and Gui 2017; Fu and Lee 2014).

An example of the tight control of the media can be seen by Xi's visit to the three main media outlets; Xinhua News Agency, People's Daily and Chinese Central Television (CCTV). Xi declared that the 'the media must have the Party as their surname, obey the Party's words and follow the Party' (媒體必須姓黨，聽黨的話，跟黨走) (Bai 2016). In response, CCTV produced the following screen during Xi's visit:



Illustration 1.

Source:https://news.mingpao.com/pns/dailynews/web_tc/article/20160220/s00013/1455903787214

The three lines of captions read: CCTV surname is the Party
 Absolute loyalty
 Ready for your inspection

When used in a traditional Chinese context, 'surname' would imply a familial hierarchy, hence the media with the Party as surname would own both loyalty and obedience to the Party. This is an interesting case of contemporary pledge of loyalty using a traditional form of legitimation based upon Chinese tradition; patriarchal hierarchy, a good example that traditional concepts of legitimacy are still present, albeit hidden, in contemporary discourse.

There have been detractors to the suppression of alternative voices, but these were soon silenced. For example, the account of the micro blogger Ren Zhiqiang (任志強) with 30 million followers, had his accounts blocked on the order of the government after he made the comment on Weibo that: 'When has the People's Government changed to become the Party's Government? Did they spend party funds?' (人民政府啥 時候改黨政府? 花的是黨費嗎?) (Bai 2016). Another case cited by Bai was when Yu Shao Lei (餘少鏞), a columnist from the

Southern Metropolis Daily (南方都市報), resigned, citing that he cannot 'follow your surname' (無法跟著你們姓) (Bai 2016).

Another example of the tight control of the discursive space is the forced take-over of the political journal '*Yan Huang Chunqiu*' (炎黃春秋). The journal with a circulation of around 200 000, was established in 1991 and supported by former top-level Party officials. Xi's father, Xi Zhongxun (習仲勳, 1913-2002 CE), for example, is a supporter of the journal (Chu 2016). *Yan Huang Chunqiu* was one of the few journals in the PRC that can openly comment on politically sensitive historical mistakes of the CPC (Chu 2016). In a move seen as a tightening of the discursive space since Xi assumed power, the management and editorial board of *Yan Huang Chunqiu* was restructured by order of the Chinese National Academy of Arts (中國藝術研究院) in July of 2016. Wu Wei (吳偉), the Executive Editor of *Yan Huang Chunqiu*, stated in an open letter that the restructuring was an unlawful act, and was an attempt to silence alternative voices. He further stated that after an unsuccessful attempt to challenge the decision of the Chinese National Academy of Arts in the courts, the Journal has henceforth ceased to exist, and that any future editions of *Yan Huang Chunqiu* would have no connection with the ousted management and editorial board (BBC, 2016). It must be remembered that political journals in China cannot be published by private individuals with no connection to those in power, as regulations state that all media outlets must either be sponsored by a state or Party unit (The State Council of The People's Republic of China 2014). Therefore, it was likely that the journal had support from some high-level officials. The present leadership, then, not only seek to silence alternative voices from outside the Party, but even voices within the Party that may show dissent against the official line, however mild.

The internet would seem like an ideal way of evading official censorship, as foreign websites

can supply information that the CPC would rather not be available in the PRC, so it is likely that this is an area that had always concerned the CPC in its attempts to control the discourse. A system that can block 'undesirable' websites at the ISP level, the so-called 'Great Firewall of China', was devised and implemented at great cost in response to this concern (Connor 2017). This has led to some computer literate internet users to 'climb walls' (翻牆) by the use of Virtual Private Networks (VPNs) to access foreign websites. The Party, however, has sought to close this loophole, and have ordered the closure of companies hosting VPNs, and companies including Apple have followed the Party line by erasing VPNs Apps (Connor 2017).

As well as blocking external websites, there is also tight censorship on Chinese websites. Certain search terms are banned or return with no result. For example, searching for Winnie the Pooh will likely return with no results, and the film *Christopher Robin* which features the cartoon character was banned in China, due to the common joke that Xi somehow looks like the loveable, cuddly bear with a taste for honey (Hass 2018). 'June Fourth' and other sensitive terms are also likely to be blocked by Chinese search engines. Internet users in China cannot access Google, as the company had pulled out of the Chinese market, and its external sites are banned from China after refusing to follow Chinese censorship rules. Major social media platforms that are forbidden to the Chinese public include Facebook, Twitter and WhatsApp.

The tight control on all forms of media by the Party is augmented by the use of 'Wu Mao' (五毛), or 'Fifty-cents', gangs to manipulate the discourse online. These are paid posters who would post comments in support of the Party, or challenge criticism of Party online. They are purportedly paid fifty cents per post, hence the name. Explicit criticism of the Party is banned outright online, and the army of Wu Mao are mostly used to muddle the debate when encountering more acceptable, milder forms of criticism about government policies. King *et*

al, in what they claim to be a first large-scale empirical examination of the *Wu Mao* phenomena, estimated that the Party and their supporters of Wu Mao posted about 488 million social media comments to deflect public criticism and support for the CPC (King *Et al* 2017, p. 484). They also found that the main strategy used by the *Wu Mao* is to muddle the argument rather than engage in serious debate. The repetitive use of slogan-like phrases is a key feature of Wu Mao posts. The use of paid internet posters to post supportive comments about the Party is strictly speaking, not a tightening of the discursive space by itself. However, when combined with the strict domestic censorship and the Great Fire Wall which blocks undesirable overseas contents, they allow the Party to maintain a tight grip of the discourse online.

It can be argued that there is not a totally level playing field in the construction of discourse even in Western liberal democracies, and therefore to question the Chinese party-state's legitimacy on that basis would be unfair. It is of course true that in liberal democracies, some would have more influence than others in the construction of discourses and shaping narratives. For example, in the UK, most daily newspapers tend to be right-leaning, perhaps due to most of media in the UK being owned by large corporations (Khan 2018). However, while it can be argued with justification that the relatively right-leaning printed media have more influence in the discourse due to their bigger combined circulation, there are still alternatives in the form of the more left-leaning printed media such as the *Guardian* and the *Daily Mirror*. People wanting to access information on more extreme positions on the far spectrum of politics can also do so with newspapers such as the *Socialist Worker*. Media criticising the state or the government or even the whole basis of the liberal democratic state are not banned unless they contravene the law with regards to hate speech or on grounds of national security. People can also reach out for alternative voices online as online materials are not censored unless on grounds of hate speech, prevention of harm to others or national security as specified by law. Therefore, while

there certainly are conditions which favour a certain side of the political spectrum in the discourse among liberal democracies, people can still find alternative views and narratives with relative ease. Hence, it is not merely the uneven playing field in the construction of the discourse that is the problem in China, but the suppression of all alternative voices which dissent from the official line which undermines the party-state's legitimacy.

The tight control of the flow of information and the discursive space by the Party means that the conditions for any consent to be informed is not possible. This lack of freedom in the receiving, constructing and convey of legitimation stories have implications for the legitimacy of the Party. This means that it is not possible to argue that although the Marxism values stated in the part of the legitimation story are in conflict with present economic and societal practices, the people may still be able to make sense of the legitimation story by giving their informed consent. This would also apply to the part of the legitimation stories that are easier to make sense of, such as the rejuvenation of the Chinese nation. As discussed in Chapter Two, easier to make sense of does not necessarily mean that it does in fact make sense to the people. The absence of the conditions necessary for consent to be informed means that it is not possible to determine whether even these stories that align with societal values and norms do indeed make sense to the people. The unlikelihood of the people making sense of the Marxism values stated in the legitimation story, plus the failing the Critical Theory test, then, would suggest that the Party has major issues with its legitimacy.

Given the importance of informed part of informed consent, it may seem that further examination on meaningful consent would be futile if the conditions for the people to be informed do not exist. However, there can be situations where despite the almost total control of the discourse by the regime, the people can nevertheless still reject the official narrative. In

cases where the expressed withholding of consent can cause the ruling order to be changed in a peaceful manner, some degree of legitimacy can be conferred on the regime on that basis if the people do not choose to do so. An examination of whether the people have this choice without having to resort to violent revolutions is therefore still necessary despite the suppression of the freedom of expression.

5.6 Meaningful Consent.

Although the common perception of China is that it is an authoritarian state (Chan 2019; Howell and Pringle 2019; Huang 2018; Fu 2018; Noakes and Teets 2018), or sometimes as a flawed meritocracy (Bell 2015), the official system of governance is officially based on the concept of popular sovereignty as enshrined in Article Two of the constitution of the PRC which states that '[A]ll power in the People's Republic of China belongs to the people'. Democratic centralism is the concept used to realise this stated principle of popular sovereignty (Yang 2016). This part of the chapter will examine whether democratic centralism in the Chinese context allows the Chinese people to give or withhold their consent freely to sustain or cause a change of the ruling order.

5.6.1 Democratic Centralism.

Democratic centralism is a Leninist concept that aims to reconcile the inherent tensions between democracy and the need for discipline for revolutionary parties lacking the means to openly advocate their aims within authoritarian states (Angle 2005, p.525). The system was adopted by the CPC after 1949 as the basis of governance of the People's Republic and is enshrined in Article 3 of the Constitution of the PRC. In the Chinese context, it calls for the total obedience of party members after decisions are taken by a majority vote by a limited franchise. It can be summed up as the individual obeying the organisation, the minority obeying the majority, subordinates obeying superiors and the whole party obeying the leadership.

While democratic centralism may be appropriate during turbulent revolutionary periods, or even during the early stages of a revolutionary regime where its rule might be subjected to threats from both internal and external enemies (a good example of this might be the Western invasion of the Soviet Union in support of the White Army), its continued use once the regime has established stability would cast serious doubts on the legitimacy of the regime based on the criteria of popular sovereignty, especially if the regime itself invokes popular sovereignty as the basis of its legitimacy. Mainland scholars (such as Yang 2016; Liu 2013; Wang and Wang 2013) have defended democratic centralism as having many advantages over liberal democracy and is better suited to Chinese cultural conditions. They claim that democratic centralism is a more effective form of governance than liberal democratic models, and the democratic aspects can be realised through a series of multi-party cooperation and consultation with other interest groups. It will be argued here that consultations with the CPC always being at the apex of the power hierarchy and the final arbiter of any decisions cannot be democratic and thus cannot realise the ideals of popular sovereignty. Furthermore, the defence of the system based on cultural traditions is not valid, as without the people being able to express a free choice, any ‘cultural traditions’ being invoked would be that of the ruling order, rather than that of society in general. The difference here is between self-legitimation and legitimacy. The former is the stories the ruling elites tell themselves to be convinced of their own legitimacy, while the latter is based on the freely expressed support of the people that they make sense of the legitimation stories being told.

The highest power in the Chinese state nominally resides with the National People’s Congress (NPC) (The National People’s Congress of the People’s Republic of China, 2019). The deputies of the NPC are democratically elected, as ‘[T]he people’s congresses at all levels are constituted through democratic elections, and are responsible to the people and subject to their

supervision.’ and that ‘[A]ll administrative, supervisory, judicial and procuratorial organs of the State are created by the people’s congresses to which they are responsible and by which they are supervised’. (The National People’s Congress of the People’s Republic of China, 2020). These statements about the NPC would seem to give the elected body the status of supreme sovereignty within China, and at odds with the Chinese system, which is based on the prominence of the Party, with such prominence enshrined within the constitution (Constitution of the PRC, Preamble). However, the devil is in the detail, and the way that the NPC deputies are ‘elected’ reveals the extent of the control by the Party.

NPC deputies are elected by lower-level provincial people’s congresses, who are in turn elected by lower-level congresses, all the way down the base unit, the village level. Congress elections at the village level are the only direct elections of this system. Candidates not endorsed by the Party can only run as individuals (Luo 2018), but it is hard for local candidates to either get elected or to reach the higher tiers without Party support due to the Party’s control on the candidate selection process, and the limited number of candidates allowed (Chen 2015; Li 213). The number of candidates in these elections are limited to between 12 to 15 candidates for every 10 seats, depending on the level of the congress. These processes ensure that the Party dominates the NPC, and under the concept of democratic centralism in which party members and local party branches must obey the centre, the central leadership of the Party would have almost absolute control of the NPC which is supposed to hold them to account. These elections, therefore, may be fertile grounds for intra-party power plays, and allow for a very limited number of non-Party members who are favoured by the Party, but they cannot be termed ‘democratic’ in a conventional understanding of the term, as the people’s choice is not meaningful in the sense that it cannot alter the existing power structure nor freely elect opponents of the Party to positions of power.

The other main feature of the Chinese governance model is that the Party is supposed to consult and cooperate with other minority parties and interest groups to reflect the ‘democratic’ nature of the Chinese system (Yang 2016; Liu 2013; Wang and Wang 2013). The minor parties are also meant to hold the Party to account in its exercise of power through the system of Chinese People’s Political Consultative Conference (CPPCC). In truth, however, given the dominance and control of the NPC and the CPPCC by the Party, it is difficult to see how such minor parties, which only exist on the sufferance of the Party, can achieve the stated aim of effectively monitoring the use of power by the Party. It is also entirely within the remit of the Party to decide whether to accept any advice offered. The present system of governance, therefore, cannot be termed democratic, or that power in China resides within the people. The Party has a monopoly of power in China, and while it may at times listen and care about the concerns of the people or various interest groups, it is the Party that is the final arbiter rather than the people.

At best, this China model of governance is a throwback to the days of the idealised sage kings or akin to an authoritarian meritocracy. Wise, benevolent rulers who may rule on behalf of the people, who may even listen and act on the concerns of the people, but are in effect, the final arbiters of what is good for the people. The question is not whether the rulers are indeed wise or benevolent, but the source of their legitimacy. In the absence of any authority of which legitimacy is derived, such rulers may be said to be illegitimate. The appeal to the people as this authority cannot be valid in the cases of benevolent despotic or meritocratic rulers if the people do not have a meaningful choice. For if the people are indeed sovereign, they, through their elected representatives alone, should be the final arbiters of what is good.

The concept of popular sovereignty also sits rather uneasily with the notion that any party should have the right as the natural ruler of China, as the CPC has been anointed by the constitution. The very concept that the people being sovereign would mean that they have a choice, and while it can be argued that laws can be changed, this is not possible in China as the legislature, the NPC, is not directly elected and is under the control of the Party. Given the discussion so far, it must therefore be concluded that conditions for meaningful consent is not present in China, so that the Party failed this criterion of legitimacy.

Despite the official position of the Party invoking popular sovereignty for its political legitimacy, it seems that the notion is more honoured in its breach than its observance. There have been arguments put forward in support of CPC rule saying that democracy is not suitable for the country given Chinese cultural traditions or that present conditions are not yet ripe for democracy. Examples would be Xi's 2014 speech to the College of Europe at the Concert Hall in Bruges, in which he stated that China cannot be ruled with a multi-party democratic system due to its unique historical and social conditions (cited in Reuters 2014). This is in addition to his comments that only the wearer knows if a shoe fits, meaning that only the people of a country can decide the best system of governance for that country (Bao 2013). However, it is not the people deciding that the shoe fits or not, but the Party telling the people that the shoe is good or otherwise.

The argument that the Chinese people have decided that democracy is not compatible with China is also quite contrived. For if the Chinese people really did decide that democracy is indeed incompatible with Chinese culture, and their decision is held to be binding, then surely that is democracy in action? The argument can be summarised as the following statement: 'It

is the binding democratic decision of the Chinese people that democracy does not suit the Chinese people due to Chinese cultural conditions.’ However, if Chinese cultural traditions are incompatible with democracy, then surely that decision would be invalid? The argument that Chinese culture is incompatible with democracy if taken to its logical conclusion would therefore be absurd. Given this, it would seem likely that when critics of democracy invoke cultural traditions as arguments against democracy, what they really mean is that democracy is against the interest of the ruling order, rather than incompatible with the culture of the people.

The argument that the present Chinese conditions are not yet ready for full democracy is somewhat of an old chestnut. It was first forwarded during the late Qing period, and has also been invoked during the early Republican and Warlord eras, and from 1927 after nominal unification of the country by the KMT until 1949. This argument may have some validity during a period where the great majority of people were illiterate, but not with an educated populace with far more exposure of the outside world in the world’s second-largest economy. It must be remembered that the PRC was established by the Party more than 70 years ago in 1949. If after more than 70 years of supposedly enlightened rule by the Party as the vanguard of the people, the people are still not ready to take control, then it raises the question whether the Party is really fit to rule. So, again, it seems that the true case is not that the Chinese people is not yet ready for democracy, but rather, it is the ruling elites that are unwilling to concede power to the people, despite invoking the people as its basis of legitimacy to rule.

5.7 Values and Norms Traded for Incentives.

The fact that the Party suffers from a legitimacy deficit does not necessary mean that it is close to collapse. There are many regimes that continue to rule without meeting the normative

legitimacy scheme proposed by this thesis. China under Mao, for example, which had failed to even answer the first question successfully, ruled for 27 years, albeit often with brutal suppression of any dissent. That said, the legitimation efforts of a regime that has failed the legitimacy criteria will nevertheless still attempt efforts in legitimising itself, as it was pointed out in Chapter Two that all regimes strive to cultivate the belief in its legitimacy. In these cases, the Habermasian idea that norms and values can be put aside for promises of incentives are useful for the analysis of legitimation efforts of these states, but with the understanding that this would not be an examination of legitimacy, but of self-legitimation to retain the confidence of the ruling elites to rule and for the compliance of the ruled. Hence, the legitimation efforts of the present Party leadership will be examined with the Habermasian side of the combined theoretical framework.

The case that the Party has been basing its legitimation effort partly on an economic performative basis is not controversial. It is, after all, the need to answer the first question after the failure of Mao's version of Marxism that led to the reforms in 1978. Marc Lanteigne states that Beijing has focused much of its legitimation efforts in providing citizens with continuous rising living standards (Lanteigne 2008, p. 143). Although these legitimation efforts cannot confer legitimacy onto the Party, the Chinese dream can be useful as a self-legitimation factor to sustain the confidence of the Party to rule, with the added benefits of a more compliant population. The Party seems to have delivered on its promises of incentives with the rapid growth of the Chinese economy since 1978. However, this rate of growth may not be sustainable, slowing down due to what Ian Morris calls the advantage of backwardness wears off (Morris 2010), and Vladamer Papava's assertion that the rapid growth of economies starting from a low base will inevitably stagnate because of diminishing return of capital due to the 'catch-up effect' (Papava 2014, p.4). Predictions of an inevitable slowing down of the Chinese

economy based on these concepts seem to have been right, and this would cause issues for the rule and the self-legitimation of the Party. This part of the chapter will outline some of the success, and address the problems, of relying on continued economic growth.

The rapid growth of the Chinese economy since the reforms, with annual rate of growth in nominal GDP terms from 7% to 15 % from 1982 to 2016, except for period immediately after the Tiananmen incident of 1989 (World Bank, No Date a), means that the Party has been successful in its aim of improving the living standards of the average Chinese citizen. This should enable citizens to ignore contradictions in the stated value system in exchange for better living standards. The economy, however, would need to grow at similar levels if this is to continue. For despite the tremendous rate of growth since 1978 which propelled China from one of the poorest countries in the world to the world's second largest economy in nominal GDP terms, GDP per capita is still significantly below most of the developed world. GDP per capita in China for 2019 was US\$ 10216.60, which was approximately a quarter of the UK figure and about one-sixth of that of the USA (World Bank, no date b). This relatively low GDP per capita is exacerbated by the high inequality of the distribution of wealth in the country which has already been discussed, resulting in the living standard of those near the bottom of the social-economic hierarchy being still poor. This would suggest although there has been a huge leap in the average standard of living in China since 1978, this standard is still at a relatively low level, and that the rate of growth needs to be sustained if material rewards are to be continued to compensate for legitimacy deficits in the political/social sphere.

There is, however, evidence that the Chinese economy has slowed down. There has been a continuous trend of relative decline since 2010, from 10.6% in 2010 to 5.95% in 2019.

Vladimir Popov and KS Jomo state that the reason for China's slowdown of growth can be attributed to the exhaustion of economic backwardness and the political choice of yielding to US pressure to appreciate the Chinese currency, the *renminbi* (Popov and Jomo, p. 115). They are, however, optimistic that the Chinese economy still has the potential to grow, as usually the economies of countries do not slowdown until they reach half of the US GDP per capita (Popov and Jomo, p.115). Fabrizio Zilrizo shares this optimism by predicting that the Chinese economy will develop to enable citizens to reach comparable living standards with Japan, South Korea and Taiwan within the next 25 years, but warns that friction with the US could harm future growth in the Chinese economy (Zilrizo 2017, p.984). It is this dependability on factors beyond the Party's control that makes relying on the continuous rapid growth to keep the people contented such a risky strategy. Indeed, the US initiated a trade war with China in 2018, citing unfair Chinese trade practices and security concerns as the main reasons (Liu and Woo 2018, p. 320). Alexander Lukin cites US geopolitical concerns as another possible reason for the worsening of relations between the US and China (Lukin 2019, p. 23). At the time of writing, although the US has a new administration after the 2020 election, US's stance towards China does not appear to be changing.

The economy is hard to predict at the best of times, when this unpredictability is exacerbated by international relations which have a direct effect on the growth of the economy, using economic performance to compensate for the contradictions between the stated values and societal practices is doubly risky. Hence, the Party will need viable alternatives to Marxism as the basis for any legitimization stories to sustain its rule if it wishes to avoid excessive coercion as growth in the economy inevitably slows.

5.8 Conclusion.

The examination of legitimacy in three parts has seen the party-state failed in all three criteria of legitimacy set out in the framework. The framework used is based on popular sovereignty in the form of informed consent of the people to make sense of and support the legitimization stories being told. It was found that the Marxist part of the legitimization story cannot be made sense of without causing cognitive dissonance, the tight control of the discursive space means that the people do not have the information needed to make informed decisions, and the system of democratic centralism denies the people a meaningful choice. Given this, it can be concluded that the present Chinese regime fails the test of legitimacy by the criteria set out in this thesis.

The values stated in the legitimization story based on Marxist-Leninist Mao Zedong thoughts seem to be at total odds with the societal practices of a primarily market-based economy. The contrived arguments aiming to reconcile this inherent tension seem more like attempts at self-legitimation rather than aimed at the people. In many ways this is understandable, for Marxist values are diametrically opposed to the values of a competitive market-based system with its inevitable inequalities of wealth, and by extension, power and influence. However hard the Party may claim that this is a necessary stage of socialist development to reach higher stages of socialism, there comes a stage when the values and practices of Marxism have been discarded to such extent that the system can no longer be considered Marxist. Furthermore, the daily realities of eking out a living in a capitalist economic system as mere wage labour and the outward signs of huge disparities of wealth make the Marxist part of the legitimization story hard to make sense of by the people.

The present system of governance in China also denies the people the right to information to be able to make informed decisions, or indeed, any meaningful decisions at all, regarding either the legitimization stories being told or the regime's right to rule. The tight control on the access to information and the denying of rights for the people to have a voice in the public discourse, combined with a system of democratic centralism which is in fact, not democratic, means that the party-state's legitimacy is undermined.

Of course, the fact that a regime fails certain tests of a normative legitimacy framework does not in practice mean that it would be unable to continue to rule. One scenario is that the ruling order ruling without legitimacy would need to expend ever more resources to suppress its own people to sustain power. This would depend on the confidence of the ruling elites to believe their right to rule through self-legitimation, and that there are sufficient resources to quell any unrest. Therefore, the fact that the Chinese party-state has failed the test of legitimacy does not necessarily mean that it is unstable or near to collapse. The Party has overcome far more serious legitimization crisis during its 70 years of rule, from the mass famine of the late 1950s in which it failed the first question of legitimacy, to the aftermath of the Cultural Revolution after the death of Mao to the Tiananmen Massacre. There is no reason to predict the imminent collapse of the present regime based on this thesis's analysis that it lacks normative legitimacy. As long as the Party retains the confidence to rule through self-legitimation efforts, any talk of the threat to its rule is immature. The Party has at its disposal a large amount of coercive power, and there is no evidence that the contradictions between self-legitimation and legitimization efforts have resulted in the people being ready, or have the ability, to violently revolt against the regime.

The other scenario is outlined in the legitimacy framework proposed by this thesis, which is the Habermasian notion that people can put aside the issues of legitimacy for the promise of some form of rewards, usually financial. This Habermasian notion of substituting rewards for values, which in the present Chinese legitimation context is the Chinese Dream, can be the basis of self-legitimation with the added benefit of a compliant population. Therefore, a regime can continue to rule without increased coercion as long as the economy can grow to sustain the fulfilment of the promised rewards. While the lack of legitimacy can be countered with the promise of rewards, this would depend on the indefinite continued growth of the economy, which may be a hard task to achieve for any regime, especially given tensions with its largest trading partners. A better method may be to adept the main legitimation story to make it easier to make sense to the people. Chapters Six to Eight will discuss an alternative legitimation story, based on Confucianism, being invoked by the Party.

Chapter 6: Main Strands of Confucianism.

6.1/ There is more than one form of Confucianism.

There is a very wide body of literature noting the increased importance of Confucianism in contemporary Chinese society, and more specifically, the invocation of Confucianism by the Party as part of the legitimization stories (for example, Jiang 2018; Ford 2015; Lahtinen 2015; Cheung 2012; Bell 2010; Yu 2008; Sole-Farras 2008; Bell 2007; Hu 2007; Cha 2003; De Bary 1995). However, the problem of simply accepting that the Party has turned to Confucianism as a legitimization ideology is that commentators who ascribed to this view rarely, if ever, explain what form of Confucianism is being invoked by the Party. Philip Clart (2003, pp.3-4) asks the reasonable question, what do people mean when they use the term ‘*Ru*’ (*Ru* is the Chinese transliteration for Confucianism)? It must be stressed that Confucianism is a very large subject embracing all aspects of human lives, from personal morals to the correct rituals to the governance of a state, and it would be impossible to examine such a colossal subject within the confine of a single thesis, much less a part of a chapter. Instead, the aim is to focus on political Confucianism, in particular, the use of legitimization stories based on Confucianism. Fukuyama makes a distinction between political Confucianism, which has been traditionally used to legitimise highly hierarchical imperial systems, and philosophical Confucianism, which concerns personal ethics (Fukuyama 1995, p.25). It is taken as given that all forms of Confucian rule are based, at least nominally, on the concepts of *ren* (仁) and *yi* (義), or simply *renyi* (仁義), which can be translated as benevolence, though what constitutes *renyi* in practice can be contested as political Confucianism has been often associated with despotism and oppression (for example, see Huntington 1993, p. 307; and Tan 2012, p.293).

The literature in the legitimacy discourse, however, treats Confucianism either as a homogeneous ideology or as a substitute for all Chinese cultural traditions, rather than as different interpretations based on the same set of classical texts to suit the differing needs of the ruling classes throughout the imperial era (for example, Herr 2016; McDonald 2012; Bell 2010; Huntington 1993; Berger 1986). Furthermore, the treatment of Confucianism in the literature on the CPC and Confucianism are also often based on 'Folk', or popular traditions, rather than as a coherent political or moral philosophy. Folk Confucianism are traits embedded into traditional Chinese culture and customs that may have some loose basis in Confucianism, but often lack the nuance of formal interpretations of Confucianism. Peter Berger's use of the term 'vulgar Confucianism' is closely related to folk Confucianism, in that it distils Confucianism into the traits of pragmatism, materialistic, delayed gratification and self-discipline (Berger 1986, p.163). It is beyond the scope of this thesis to discuss how Berger could have concluded that Confucianism is materialistic, 'great interest in material things' are the words he used (Berger 1986, p.163), but as Berger was writing on how Confucian ethics had helped societies with Confucian cultural influences with capitalist development, it is likely that this is an example of conflating all ethnic Chinese practices with the label of 'Confucianism'. The treatment of folk Confucianism as being interchangeable with Chinese folk traditions is not a problem by itself as most folk traditions were and are probably influenced by some elements of Confucianism given its dominance in Chinese culture. What is more concerning is that folk Confucianism is not being treated as a strain of Confucianism different from the more formal strains of political Confucianism, and thus there is often a question mark of what exactly is being discussed when the term Confucianism is being used.

Hence, to better understand whether the Party is going through, or has gone through, a Confucian turn, and the nature of that turn, it is therefore, necessary, to define what

Confucianism is and is not, for the context of this thesis. The first part of the chapter will discuss folk Confucianism, followed by the evolution of the four main forms of Confucianism; the focus is on the different strands of political Confucianism, rather than the whole edifice of Confucian thoughts. That said, given that moral and societal values can and do influence political structures, the discussion will inevitably turn to the moral ideals of Confucianism where they impact on the political.

6.2/ Folk, or Popular Confucianism.

There is a tendency to use the catch-all term ‘Confucianism’ in a haphazard manner to denote all things Chinese if practiced by ethnic Chinese or in societies with strong traditional Chinese cultural influences. One example is that the economic successes of the ‘Four Asian Tigers’ (Hong Kong, Singapore, South Korea and Taiwan) and Japan during the 1960s and 1970s, and the business success of ethnic Chinese businesses in general were often attributed to their shared Confucian heritage (For example, Berger 1998; McDonald 2012). The renowned Confucian scholar, Tu Wei-Ming, makes some very valid points in the loose attribution of the economic and business success to ‘Confucian’ ethics, and acknowledges that these Confucian characteristics are not sufficiently distinctive to distinguish their success from Western liberal based economies (Tu 1989). Another example of labelling of some practices as ‘Confucian’ because it can be loosely associated with Confucianism and practiced by ethnic Chinese or in societies with Chinese cultural influences is Ranjoo Herr’s treatment of the ‘tiger mothering’ phenomena. Tiger mother is the term used by Amy Chua to denote mothers who push their children to the limit to produce ‘stereotypically successful kids’, and Chua claims that the practice is not based on any particular ethnicity (Chua 2011, p.3). Despite this, Herr insists that the practice is firmly based on ‘Confucian mothering’, even if Chua is unaware of the fact (Herr 2016, p.43).

It may be labouring the point somewhat, but both Confucian mothering and middle-class parenting in Western societies are concerned with giving children the best chances of joining, or remaining in, the social elite. To arbitrarily attribute some practices as being based on Confucian traditions solely on the grounds of ethnicity without taking into consideration of the background, upbringing or understanding of the practitioners is suspiciously being culturally Sino-centric. It must be stressed that this appropriation of all practices by ethnic Chinese (or

societies with strong Chinese cultural influences) as being Confucian is not the same as examining certain practices from particular Confucian perspectives. The former smacks of cultural hegemony, for while it is accepted that Confucianism has a special place in Chinese culture, overseas ethnic Chinese may no longer be following Chinese cultural traditions. It is one thing to say that Confucianism also has these traditions, but quite another to state categorically as the practitioner is ethnically Chinese, these practices must therefore be based or influenced by Confucianism.

Although the above are debates concerning Confucian traditions and practices outside of mainland China, they are good examples of the ambiguous nature in the use of the term 'Confucianism' in debates. For it is often not clear whether the subject under discussion refers to folk Confucianism or a more formal interpretation of the philosophy. Folk Confucianism is the attributing of values and morals, however loosely, based on some tenets of Confucianism in the popular discourse rather than as a coherent philosophy. Peter Berger, in an analysis of the East Asian model of industrialisation, states that popular values deriving from Confucian ethics have become 'post-Confucian' values, in that they have been detached from Confucian traditions proper and more diffused (Berger 1998, p.7). There is a need, then, to make the distinction between popular Confucian values and 'proper' Confucian traditions clear. Tu (1989, p.87) comments that where the forms of Confucian traditions being discussed are fully outlined, the need to distinguish the type of Confucianism being discussed is less urgent. This would suggest where this is not the case, the loose use of the term 'Confucianism' can lead to confusion regarding to what exactly is being discussed. It could be argued, however, that these overseas debates on Confucianism may not be relevant to the debates in mainland China. There is, however, evidence to show that folk Confucianism has similar levels of detachment from formal Confucianism in the Mainland.

Chen Na and Fan Lizhu, in their ethnographic study of a Confucian congregation in Fujian province, southeast China, found that the rituals and teachings of the congregation were based on a mixture of Daoist, Buddhist and Confucian concepts and texts (Chen and Fan 2017). This congregation has a religious nature, and worships various gods and sages from Daoist and Buddhist traditions along with Confucius, and the major texts used were also a mixture of popular Confucian and Daoist literature, but also include the then latest political slogan of the government of the day (Chen and Fan 2017, pp. 11-12). This was the ‘Eight Honours and Eight Shames’ (八荣八耻), a slogan first used by the Hu leadership. It is probably inevitable that the dissemination of Confucianism under these terms would result in the divergence of folk Confucianism and the more formal varieties. Nevertheless, what was being disseminated was being accepted by the congregation as Confucianism. Chen and Fan (2017, p. 20) cite the opening of a new branch with a painting of a stereotypical icon of Chineseness, the Great Wall, and two lines boldly proclaiming, ‘Carry forward Confucian Culture and Promote Social Harmony’ (弘扬儒家文化, 促进社会和谐). Of course, this is a form of Confucianism, as the teaching does contain some elements of Confucian values, and the participants regard it as being so, but it seems that Confucianism is conflated with Chinese cultural traditions, and being used as an assertion of Chinese identity in this case.

The mixing of Confucianism with religions and other beliefs in Chinese societies is not a recent phenomenon. Rodney Taylor and Gary Arbuckle state that scholars have accepted that Confucianism took a religious turn at the very beginning of its hegemonic status in Chinese culture during the Han period (Taylor and Arbuckle 1995, p.348). In the absence of an official state religion, it is not surprising that Confucianism, the state-sanctioned secular ideology during much of the imperial era, with rules to regulate almost every aspect of daily life, took on religious connotations to address metaphysic issues. The elites and Confucian scholars with

their expensive classical educations lived vastly different lives to the mostly illiterate peasants surviving on subsistence farming, so it is probably inevitable that interpretation of the two strands of Confucianism had diverged. Furthermore, poorly educated peasants have neither the training nor the resources to study the canonical Confucian texts nor the latest thinking on the Confucian interpretations of the elites, and must therefore rely on oral traditions, practices, and popular fiction for their understanding of Confucianism. Much of these were shrouded in religious terms, which led Philip Clart to state that Confucianism infused with popular religion is one aspect of folk Confucianism (Clart 2003, p.2). Even in contemporary Chinese society with a much higher rate of literacy, modern political slogans and sentiments still formed part of folk Confucianism, as was found in the study by Chen and Fan (2017). This is perhaps inevitable in an authoritarian state, given that tenets seen as hostile to the interest of the ruling elites would be suppressed, and those that are sympathetic to the ruling order are more likely to be promoted.

Laurence Thompson opposes the tendency to conflate all of Chinese culture as being 'Confucian' in nature, and seeks to correct this by distinguishing Confucian traditions from Buddhist, Taoist and folk traditions in China (Thomson 1998, cited in Jochim 1992, p. 135). While to distinguish between the different philosophical and cultural traditions is a worthwhile quest, to disentangle folk traditions from Confucianism is probably futile given the dominance of Confucianism throughout the imperial era. This dominance of Confucianism in Chinese culture means that while it is correct to point out that Chinese folk traditions are often based on a mixture of beliefs, almost all folk traditions are likely to have had some Confucian influences. Furthermore, even formal forms of Confucianism have co-opted ideas from other schools of thoughts throughout its long history of dominance. A T Nuyen points out that the concept of the 'Three-Bond' (三綱), which lists a series of hierarchies with those on the lower

end owing absolute obedience to those above, is based on the Legalist text, *Hanfeizi*, and lacks support in the Confucian classics (Nuyen 2003, p. 80). Hence, it is hard to disentangle Chinese folk traditions from folk Confucianism due to the extent Confucian influences on Chinese traditional culture. A more useful way to treat folk traditions with elements of Confucianism would be to distinguish this form of Confucianism from the more formal versions of Confucianism.

The need to distinguish different forms of Confucianism is neither novel nor contested. Nuyen states that Peter Bergeer draws on Weber's idea of a 'vulgar' and 'high' version of ideas, and that Tu Wei Ming contends that political Confucianism is the vulgar version, while moral Confucianism that focuses on personal ethics is the high version (Nuyen 2003, p. 80). Although the idea of vulgar and high Confucianism shares some similarities between the distinction between folk and formal political Confucianism, there are significant differences. While different forms of political Confucianism were interpretations by ruling elites to legitimise the imperial order, and have agreed orthodox lineages (*daotong* 道統), folk Confucianism are ideas in the popular minds transmitted by cultural memes and oral traditions. These traits and concepts of folk Confucianism had diverged from both the vulgar and high versions of Confucianism, and contain ethical rules of behaviour which impact on the political, but often without the nuances of formal strands of political Confucianism.

The other aspects of folk Confucianism include the traditional legitimisation concepts passed on through cultural memes discussed in the first part of Chapter Three, namely respect for authority, and loyal to the those at the top of the hierarchy. Given that political folk Confucianism is the understanding of political Confucianism interpreted by the ruling elites by mostly illiterate peasants, it is not surprising that political folk Confucianism tends to be

sympathetic to the ruling order. Political folk Confucianism entails notions of loyalty and obedience to the political order but without holding the ruling order accountable to Confucian ethics. The concept that 'loyal officials can never serve two masters' (忠臣不事二主) in the Ming play 'Records of one Thousand Golds' (千金記) and the Qing novel 'Romance of the Sui and Tang' (隋唐演義) (Moedict.tw, ND) are good examples of this. The other trait contained within the popular perception of Confucianism which can impact on the political is the idea that criticism of anyone belonging to a higher social or political hierarchy is forbidden (Yu 2015), which is useful for the legitimation of an authoritarian regime. The reciprocal arrangement that the ruler must also treat officials with respect contained in more formal versions of political Confucianism, however, is often overlooked. One example of this reciprocity is contained in *Mengzi, Li Lou 2* 孟子, 離婁下, where it is stated that 'if the sovereign treats the officials like mud, the officials will then treat the sovereign as the enemy (君之視臣如土芥, 則臣視君如寇讎).' These folk Confucian concepts of loyalty to the ruling order and respect for authority still have lingering influences in Chinese contemporary society. Guillaume Dutournier and Ji Zhe state that such lingering influences of political folk Confucianism can be used for political control which could gain wide acceptance (Dutournier and Ji 2009, p.67).

A quick summary is that folk Confucianism can be used interchangeably with Chinese folk traditions and beliefs, and that the political strand of folk Confucianism would tend to be sympathetic to existing ruling orders. Folk Confucianism is based on a version of Confucian ethics prevalent in the popular discourse in the form of proverbs or singular quotes from Confucian texts, often not in their full context. The traditional traits of political folk Confucianism can be summarised as loyalty to the ruler in a state of Great Unity, respect for a patriarchal hierarchy, and a longing for stability over conflict. The distilling of Confucianism,

or Confucian ethics, to a few simple political and social traits in the Greater China cultural circle can, however, cause confusion in the discussion of the Confucianism in the legitimacy discourse unless it is made clear this is the form of Confucianism being discussed. The following sections will discuss a very broad outline of the various forms of more formal political Confucianism.

6.3/ Four Main Strands of Formal Political Confucianism.

The naming schemes for the various forms of political Confucianism can be confusing. To mitigate any confusion, a list of the four main strands of formal Confucianism will be given here. The justifications for the narrowing down of various forms of formal political Confucianism into these four main strands will be given in this part of the chapter. The four main strands are:

- 1/ Traditional (Pre-Qin and Han) Confucianism.
- 2/ Neo (Song-Ming) Confucianism.
- 3/ Contemporary New-Confucianism (often simply referred as just New-Confucianism).
- 4/ Third Generation Mainland-Based New-Confucianism.

The concept of orthodoxy, *daotong* (道統), or following the correct lineage of Confucian teachings, is important in Confucian thoughts (Peng 2006, p.36). Mou Zongsan (牟宗三), one of the foremost New-Confucian philosophers according to Makeham (2003, p.3), lists three distinct strands of orthodox Confucianism: Traditional (pre-Qin to Han), Neo-Confucianism (Song-Ming) and New-Confucianism (Mou 1991, pp. 4-12). This classification may be overly broad, for there are different interpretations of Confucianism even during pre-Qin times. For example, Liou Guoping notes that the three canonical theses on the Spring and Autumn period,

the ‘Three Histories of the Spring and Autumn’ (春秋三傳); *Gongyang Zhuan* (公羊傳), *Zuo Zhuan* (左傳) and *Guliang Zhuan* (穀梁傳) each have their own emphasis on different aspects of Confucianism. He argues that the *Gongyang Zhuan* has its emphasis on Confucian ethics based on the great unity and ‘Honour the King and suppress the Barbarians’ (尊王攘夷), which at times would venture beyond words written down attributed to the master (Confucius) and often at the expense of historical accuracy (Liou 2005, p.23). Liou adds that the *Zuo Zhuan* is more focused with using history to highlight the ideals of Confucian ethics based on the *Shang Shu* (尚書) without overly adding its own interpretation (‘以史實顯經義’)⁷, while *Guliang Zhuan* focuses on history to stress the importance of rites and rituals (禮) (*Ibid*).

Furthermore, putting pre-Qin Confucianism in the same category as Han Confucianism with its emphasis on heaven and human interaction (天人感應) (Cheung 2000; Li 1997, pp.66-69), would seem to ignore that the reformulated theory of Han Confucianism is contrary to the humanistic aspects of pre-Qin Confucianism. One of the most striking aspects of pre-Qin Confucianism is its focus on the secular at the expense of the metaphysical, that wisdom is where people serve their duties to their fellow humans, respect the gods and spirits but keep them at a distance (務民之義, 敬鬼神而遠之, 可謂知矣) (from *The Analects*, Yong Ye 論語, 雍也), and that heaven has its own order, regardless of the virtues or otherwise of the ruler (天行有常, 不為堯存, 不為桀亡) (from Xunzi, Tian-Lun 荀子, 天論).

Although it is problematic to categorise pre-Qin and Han Confucianism together, it is nevertheless understandable why Mou has chosen to do so. First, it is difficult, if not impossible, to outline all the different strands of Confucianism throughout China’s long history,

⁷ *Jing* (經) is commonly used in a Confucian context as a term for *Shang Shu* (尚書).

and some form of simplification to focus only on the major strands is needed to avoid digressing from the point when discussing political Confucianism. Second, Dong's reformulation of Confucianism during early Han was based on *Guliang Zhuan*, and so can be said to be a continuation of pre-Qin Confucian orthodoxy, if *Guliang Zhuan* is taken to be the orthodox, which it was after the Han reformulation of Confucianism. What is orthodox Confucianism can, of course, be contested given the numerous schools of Confucianism. However, given that political Confucianism is not a set of coherent tenets set in stone but based on doctrines which are often contradictory, it is therefore open to interpretations by the ruling elites, so Confucian orthodoxy can then be whatever the ruling order determines at a particular point in time according to their legitimation needs. Hence, although the Mou classification of Confucianism can be problematic if taken out of context, this part of the thesis will accept the classifications and treat formal political Confucianism as coming in three main strands. To this, a fourth strand will be added; the third-generation mainland-based New-Confucianism. Although this form of Confucianism shares the prefix 'new' with second-generation New-Confucianism, they are sufficiently different that they deserve to discuss separately. The third-generation mainland-based New-Confucianism holds that autocratic meritocracy rule based on Confucianism is the best form of governance, while the New-Confucianism posits that democracy is at the centre of political legitimacy.

6.3.1/ The Two Orthodox Strands of Confucianism During the Imperial Era.

Traditional political Confucianism legitimises the rule of the emperor by invoking the 'mandate of heaven' (天命), a Confucian take on the divine right of kings. However, unlike the pre-enlightenment Western version where the monarch's power is, at least in principle, unrestrained by earthly powers, the emperor only has the grace of heaven and the right to rule by adopting the correct Confucian ethics and following the correct rituals (Chen 2011, p.72-73). Dong

Zhongshu (董仲舒 179-104 BCE), the Han Confucian scholar, advocated the idea of heaven and human interaction (天人感應), in which heaven would warn any erring emperors that strayed from the correct Confucian ideals of rule with natural disasters such as earthquakes, floods or drought (Cheung 2000). This concept is based on the classic Confucian text of *Shangshu* (尚書) and is likely a political trade-off between *Han Wu Di* (漢武帝 156-87 BCE) and Dong. *Wu Di* agreed to adopt Confucianism as the sole state ideology, and Dong in return, would revise Confucian tenets to legitimise Han imperial rule. The concept of heaven and human interaction can be a check on the power of the emperor, as though it places no legal limits of imperial power, it would aim to limit such powers using moral ideals and by the invocation of a metaphysical heavenly judge.

Neo-Confucianism, also known as Song-Ming Confucianism (宋明理學), is based on the ideas of Cheng Hao (程顥, 1032-1085), Cheng Yi (程頤, 1033-1107 E) and Zhu Xi (朱熹, 1130-1200), and so is sometimes also referred to as *Cheng-Zhu Lixue* (程朱理學). This version of Confucianism stresses on the importance of a strict social and political hierarchy based the concept of *tian li* (天理), loosely translated as ‘heavenly principles’ (Liu 2012, p.20). These principles are the ‘Three Cardinal Guides and Five Constant Virtues’ (三綱五常) (Liu and Li 2014, pp.129-130). The Three Cardinal Guides are: The Emperor is fundamental to ministers (君為臣綱), the father fundamental to the son (父為子綱), and the husband fundamental to the wife (夫為妻綱). The Five Constant Virtues are personal moral concepts: *ren* (仁 Benevolence), *yi* (義 Righteousness), *li* (禮 Ritual), *zhi* (智 Wisdom) and *xin* (信 trustworthiness).

In return for this hierarchy and obedience to superiors, those at the top also must fulfil their

duties to the subordinates according to Confucian ideals. Emperors, for example, need to exhibit the qualities ‘inner sagesness and outer kingliness’ (内聖外王), a concept based on Daoist text which was incorporated into Neo-Confucianism by Zhu Xi during the Song dynasty (Mei 2011, p.622; Chen 2011, pp.72-73). Inner-sagesness refers to the personal cultivation and ethics of the ruler, who would then dispense fairness and justices in the way he (and it is almost always a ‘he’) runs the country, the outer-kingliness. The idea of inner-sagesness and outer kingliness is, then, not unlike the concept of the Western Platonist concept of the philosopher-king.

Although parents, or fathers, as Neo-Confucianism is very much a patriarchal hierarchy, have almost total control over their children, they are also expected to be kind to their children (父子慈孝). The relationships between emperor-officials, father-son, and husband-wife are nominally based on reciprocity. The problem, of course, is that those at the lower end of the power hierarchy have little recourse if those at the top do not keep to their end of the bargain. The concept of the patriarchal hierarchy is important in a legitimation context because the state is viewed as a large family, and the emperor as the father which rules this extended family. A striking feature of Neo-Confucianism is the concept of *tian li* (天理), and which was developed into some of the most misogynistic concepts in Chinese history. This has already been discussed in chapter Three, and will not be discussed in detail here, but it is worth noting at this point in the context of whether this strand of Confucianism can make sense to the people in contemporary Chinese society.

6.3.2/ *New-Confucianism*.

There can be confusion between ‘neo’ and ‘new’ versions of Confucianism, as both ‘neo’ and ‘new’ have the same meaning, certainly in Chinese as both would translate as ‘新’. Therefore, contemporary (當代), is usually added to the title to distinguish it from the Song-Ming 'Neo-Confucianism'. The full term in Chinese would be ‘當代新儒家’, or Contemporary New-Confucianism, which is usually translated simply as New-Confucianism. The philosophy was first formulated by Xiong Shili (熊十力) in late Imperial Qing, and further developed as a reaction to the crisis of Chinese culture in the face of Western superiority in the military and economic spheres (Elstein 2015, p.12). The second generation New-Confucians, Mou Zongsan, who considers Xiong as his master (Elstein 2015, p.8), is considered by some to be the foremost second generation of New-Confucianists, and a major scholar in the overseas strand of New-Confucian thought (Makeham 2003, p.8). A central tenet of Mou’s version of Confucianism is that democratic principles are inherent within Confucian thoughts (Mou 1991, p.15). It must be stressed that Mou is not the only second generation Confucianist to advocate the incorporation of democracy in a revised form of Confucianism. Other second generation New-Confucianists, such as Xu Fuguan (徐復觀 1904-1982), also shared these sentiments. Indeed, Xu states that biological life should take precedence over caring for the moral self (Xu 1983, pp.170-171). The value of life, according to Xu, must not be threatened by any form of ideology, however appealing it may be, including Confucianism. It seems that all New-Confucianists, prior to the rise of the mainland third generation New-Confucianists, place democracy at the centre of their doctrines. Hence, this chapter will use Mouian New-Confucianism as a representation of first and second generation New-Confucian thoughts.

6.3.3/ Mouian New-Confucianism.

The weakness of the late Qing Empire, the continued backwardness of China after its collapse led some intellectuals to question the relevance of Confucianism in a modern society. This led to a rethink of traditional culture based on Confucianism, and led to the New Culture Movement (新文化運動), which advocated amongst other things, for ‘Mr Science and Mr Democracy’ (賽先生 德先生) to replace the discredited and outdated dominant Confucian culture (Luo 2019, p.202). The perceived slight and bullying by Western powers in 1919 at Versailles led to the May Fourth movement, which can be seen as a continuation of the New Culture Movement (Luo 2019, pp. 188-189). Both movements were led by a group of radical intellectuals that contended China’s ills and backwardness were caused by a corrupted and fossilised Confucianism philosophy (Elstein 2015, p.8). The answer, they claimed, was the total rejection of Chinese culture and the adoption of Western ideas. It was under this historical context that Mou sought to further develop New-Confucianism. The aims were to defend Confucianism and traditional Chinese culture from the hegemonic challenges of Western influences. The essence of Mou’s work was to reconcile Chinese and Western philosophies, fusing Kantian rationalism with the core of Confucianism morals (Foster 2015, pp. 3031).

The result of this fusion of Confucianism and Kantian rationalism is that in Mou’s version of New-Confucianism, democracy is seen as the fundamental building block in the political legitimacy of a ruling order. Furthermore, he posits that Confucianism is not just inherently compatible with democracy, but that democratic principles are inherent within Confucianist thoughts (Mou 1991, p.15). On the surface, this would seem a strange statement, given the stereotypical conception of Confucianism as a repressive ideology and based on an authoritarian hierarchy (Wang 2016, p.559). Furthermore, given the hegemonic status of Confucianism throughout much of the imperial era, it could be asked why Confucian China

has failed to realise this potential for democracy. Mou blames the Manchu invasion of the Ming for the lack of democratic development in imperial China (Mou 1991, p.199). This answer is problematic on so many levels, for the Ming political order was hardly the paragon of political democracy and was already on the brink of collapse through internal rebellion prior to the invasion. Indeed, the rebel Li Zicheng (李自成, 1606-1645) had stormed Beijing in 1644 which saw the suicide of the *Chongzhen* Emperor (崇禎, 1611-1644). The succeeding Manchu Qing Dynasty (1664-1911/2) inherited and sustained the Ming system of governmental institutions and continued to adopt Neo-Confucianism as the dominant philosophy (Lin 2005, p.50). To blame the Manchus for the lack of democratic development because they were an alien dynasty, then, would simply be guilty of great-Han chauvinism.

The failure to realise the democratic principles inherent with Confucianism is probably more than Mou's nationalistic assertion of 'barbarian' rule. Far more likely, it is simply a case of the ruling elites refusing to concede their hold on power. The Confucian elites controlled all dissemination of official knowledge due to Confucianism being the dominant ideology, and the only means of social mobility via the civil service examination system based on interpretation of the Confucian classics. The emperors at the apex of this power structure were also happy that post-Qin interpretations of Confucianism legitimise the imperial order as being heavenly ordained and it is the moral duty of the ruled to obey and support the regime. It is unlikely that the elites would give up their power without compelled to do so by shocks to the system.

The Mengzian (孟子, 372-289 BCE) notion that human nature is basically good also does not help the inherent democratic sentiments of Confucianism to be realised. If the Mengzian notion that human nature is basically good is accepted, then it follows with the right Confucian guidance, a ruler would naturally be virtuous without the need for safeguards. Hence, it would

not be necessary for any democratic institutions to limit and check any potential abuse of power by the ruler. Mou himself stated while the Western concept of politics is extensional, Confucianist political view is intensional and depended on who holds power and offers a moral solution to politics (Mou 1988, p.184). That is, Western political systems depend on external checks to prevent abuse of power, while Confucian politics rely on the personal ethics of the rulers to do so. Given that power does tend to corrupt, this emphasis on the personal virtue of the ruler may be another reason that democracy was never realised under Confucianism as practiced during the imperial era.

Mou's assertion that Confucianism has inherent democratic tendencies can be supported by canonical Confucian texts. Mengzi condones the right of the people to remove and kill a tyrant (殘賊之人謂之一夫聞誅一夫紂矣, 未聞弑君也) (*Mengzi, Liang Hui Wang II* 孟子, 梁惠王下), the importance of people over the state and the ruler, (民為貴, 社稷次之, 君為輕) (*Mengzi, Jin Xin II* 孟子, 盡心下), and Xunzi (荀子, circa 336-236 BCE) states that the ruler is the boat and people the water, and water can carry as well as sink a boat (君者, 舟也; 庶人者, 水也; 水則載舟, 水則覆舟) (*Xunzi, Wangzhi* 荀子, 王制), all of which suggest the importance of the people over the state. It could, however, be argued that the above texts support ruling on behalf of the people, rather rule by the people. This interpretation also has its merit, this point will be discussed further in chapter Nine, here it is sufficient to show that if Confucianism is not expressly for democracy, then at least, it is not expressly against the concept, in contradiction to the stereotypical image of Confucianism as an authoritarian/totalitarian political philosophy.

Another feature of Mouian New-Confucianism is the revised notion of inner sagesness and outer kingliness, based on the Wang Bi (王弼, 226-249 CE) concepts of *ti* (體), or substance, and

yong (用), or function (Jou 2009, p.162). It is also an advance on the late Qing notion of 'Chinese learning as substance (*ti*) and Western learning as function (*yong*) (中體西用) (Zhong 2016, pp.130-135). In the Mouian context, the 'Western learning' referred to is more than just technology but also includes both democracy and science.

6.3.4/ Third Generation PRC-based New-Confucianists.

The official revival of Confucianism in the PRC can be traced to the establishing of the Academy of Chinese Culture and the Chinese Confucius Research Institute in 1985 (Ford 2015, pp.1033-1034). The early days of the Institute threw up some surprising results given the Leninist power structure of the time. For example, Deng Xiaojun (鄧小軍), continued the arguments of Mou, Xu *et al*, and contended that Confucianist moral values must imply democratic values (Deng 1995). Later thinkers, such as Jiang Qing (蔣慶) and Bai Tongdong (白彤東), the third generation of mainland based New-Confucianist, tend to argue that the best form of power arrangement based on Confucianism would be some kind of meritocracy. The purported dichotomy between democracy and meritocracy will be deconstructed in chapter Nine, here it is sufficient to note that the use of the terms by Jiang and Bai is that the two are mutually exclusive.

Political legitimacy, according to Jiang, is the ruled must obey voluntarily (Jiang 2004, pp. 239-240). The phrase 'voluntarily' would seem to imply some sort of democracy, but the devil may be in the details. If it means no coercion, people have a meaningful choice and includes freedom of information, then it is no different to the legitimation framework set out in chapter Two. However, he seems to arbitrarily place Confucianism at the core of the power structure and advocates a meritocratic rather than a democratic structure (cited in Elstein 2015, p.147).

He also asserts that power must be legitimately acquired. His idea of this is a 3-tiered political structure to represent the traditional heaven, earth and people (天, 地, 人), his concept of the kingly way (Elstein 2015, p.147). The three structures are the House of Confucian Traditions, House of the People, and House of Cultural Continuity: The sacred, the popular and the historical. Only the popular is directly elected, and cannot pass any laws without the consent of the other two unelected chambers, which presupposes a central political importance to Confucianism that is hard to justify to non-Confucians. That said, the proposed structure does contain basic elements of democracy in the political order.

Bai's version of political Confucianism is based on his disdain for democratic rule. He argues that democracy is anti-intellectual and anti-elitist. He asserts that popular sovereignty, with its need of checks and balances to prevent the potential for abuse of power, shows an inherent distrust of the power of governments, making power difficult to exercise (Bai 2012, pp.12-13). His conclusion is that a meritocratic system is superior to its democratic counterpart due to its ability for optimum decision making. This unchecked power by a supposedly meritocratic ruling elite would seem to be opened to potential abuses. Bai is aware of the problems of misrule by an unchecked executive, and states that freedom of expression and the rule of law are essential in his meritocratic system (Bai 2012, p.31), and the need for a directly elected chamber to rein in any excesses of the meritocracy rulers (Bai 2013, p. 68). What Bai seems to be proposing is a meritocracy whose powers are checked both by the rule of law, and a chamber popularly elected under conditions where information and narratives can be constructed and disseminated freely. This would appear very similar to liberal democracies, and it is not clear how the schemes would differ. One area might be that the ruling orders are selected by some arbitrary definition of 'merit', probably based on Confucian traditions, however that might be defined. If so, there are echoes of Rousseau's distinction between the

general will and the will of all in this scheme. Whereas the status of the ruling order is not accountable to the people as it answers to a 'higher truth', its policies can still be rejected by a popularly elected chamber.

Although this would fall short of the legitimacy requirements set out in chapter Two, it would nevertheless be a major advance on the present system, and a viable scheme for an ideologically confused society. However, this arrangement would seem to negate Bai's whole argument against a democratic system with its potential for non-optimal decision making. If an elected chamber has the power to check the excesses of the ruling order, and is directly accountable to the people, there will inevitably be conflicts of interests (real or perceived) between the two factions: the meritocracy and the popular. If compromises are needed to resolve these potential conflicts, then surely the system cannot be geared towards optimal decisions, the very drawback that led Bai to disown democratic governance.

The mainland version of New-Confucianism as exemplified by third-generation New-Confucians such as Bai and Jiang places less emphasis on democracy as the basis of political legitimacy when compared with its second-generation counterpart. This may be due to the political conditions in contemporary China, where direct challenges to the rule of the Party are not tolerated, and any dissent or criticism need to be dressed in terms of supporting the Party in its aim of the great rejuvenation of the Chinese nation. Fear of suppression, however, may not be the only reason why mainland based New-Confucianism seems to be supportive of a meritocracy at the expense of a democracy. The whole basis of political Confucianism during the imperial era was based on a Confucian meritocracy, with the emperor at the apex of the power hierarchy supported by officials selected for their knowledge of Confucian classics. Furthermore, one of the ideals of Confucianists is the ability to influence and indeed, be

teachers to emperors (帝師) (Ge 2017, cited in Ownby N.D., as the linked page to the original Ge article no longer works). By these measures, it could be argued that the muted criticism of the present ruling order by mainland New-Confucianists is more in line with the traditions of political Confucianism of the imperial era, with a better claim to the Confucian *daotong* than the overseas version. Whether orthodoxy matters, especially in relation to political legitimacy if popular sovereignty is used as the fundamental basis of legitimacy as claimed by most secular states and as laid out in this thesis, is more debatable. That said, although Bai and Jiang's proposals do not fully pass the criterion of popular sovereignty, they are nevertheless useful for an ideologically confused authoritarian society to evolve to a more democratic system with less risk of violent upheavals, or at the very least, make for a more benevolent style of rule, if the ruling order accepts the premises.

6.4 Conclusion.

The literature on Chinese legitimacy has consistently mentioned a Confucian turn by the ruling CPC as part of its legitimation efforts without specifying the nature of the turn. This chapter has outlined five main strands of political Confucianism to help in the analysis of the turn. These are the political strands of folk Confucianism, in addition to four more formal strands of political Confucianism. The classification of the different strands of political Confucianism will help to answer the questions as to what extent has the ruling order accepted the premises of political Confucianism, or in other words, the strand of political Confucianism being invoked and how it is being used by the Party. The next chapter will examine these issues.

Chapter 7: The Nature of The Confucian Turn: Part 1

7.1/ Introduction.

The previous chapter outlined the five main strands of Confucianism relevant in the context of this thesis, which is the groundwork needed to answer research question two posed in chapter One: How is the CPC attempting to use Confucianism to generate a supply of legitimation for its rule? This can be expanded in two linked questions: What strand of Confucianism is being invoked and how is it being used? These questions are important, for given the contested nature of Confucianism and the many contradictory doctrines that it espouses, any discussion of the Confucian turn by the Party would lack focus unless these are made clear.

This first part of the chapter will examine the literature on the use of Confucianism by the Party for political legitimacy. This will be followed by a close reading of the elite discourse with references to Confucianism or Chinese cultural traditions to determine the strand of Confucianism being invoked and the way that it is used. The texts chosen for the analysis are the pageantry of the 2008 Beijing Olympics Opening Ceremony, the establishing of an official institute bearing the name of the sage, three speeches by Xi Jinping, and an article by Xu (2009) on a collection of Xi Jinping's quote on the importance of familial settings and education for the instilling of the 'right' moral codes in the people. The first two events, the Beijing Olympics and the establishing of the Confucius Institute, are nevertheless a form of discourse despite not being in word form. Discourses are communitive events that can convey messages (Van Dijk, 1998, p. 2), and language in the context of discourse goes beyond the written text or spoken words and include anything that may convey a message (Fasold 1990, p.65). These two events will therefore be examined as communitive events to decipher the messages being conveyed. Full justifications for the methods used and cases selected will be given in the Methods and Methodology section. Due to the length of the discussion, this chapter will be split into two

linked chapters to avoid an excessive long chapter for easier reading.

The analyses of these texts will show that it is not any formal strands of Confucianism that are being invoked by the Party to address any problems of legitimacy and governance, but the very general idea of Confucian ethics in relation to personal morals of how party officials and individuals ought to behave. That is, it is a form of folk Confucianism that is being invoked. Namely, for party officials, the party is advocating the self-cultivation of Confucian ethics to combat abuses of power which can cause problems of effective governance and undermine its legitimization efforts, plus respect for the power hierarchy to promote absolute loyalty to the central leadership. In the context of promoting Confucian values to the masses, the emphases are on loyalty to the state and the desirability of harmony and stability.

The close reading of the elite discourse on Confucianism will also demonstrate that the Confucian turn by the Party is based on Chinese exceptionalism in the form of traditional Chinese culture, and that Confucius is being used as a national icon rather than Confucianism as an ideology. This would strongly suggest that it is the abstract idea of Confucianism, rather than any concrete Confucian ideas, that is the main feature of the Confucian turn by the Party. To put it more clearly, the attention paid to Confucianism is both the natural offshoot of a nationalistic drive in the promotion of traditional Chinese culture and the elevation of Confucianism to represent the totality of Chinese cultural traditions. So, whilst the philosophy of Confucianism may not be granted special status among other Chinese philosophies such as Daoism or Mohism, all traditional Chinese cultural and philosophical concepts are often grouped together under the umbrella term of 'Confucianism' in the elite discourse as an expression of Chinese identity.

7.2/ The Confucian Turn: The Apparent Gap in the Literature.

There are very different interpretations on the Confucian turn by the Party. Christopher Ford asserts that it is a so-called Confucian turn, based on nothing more than fake, or 'quasi', Confucianism intended to bolster the Party's authoritarian rule given the increasing incoherent Marxist-Leninist orthodoxy losing relevance due to China's rapid marketisation (Ford 2015, p.1032). Kelvin Cheung argues that Confucianism is being used only as a new form of Chinese nationalism (Cheung 2012, p. 205), while Anja Lahtinen states that Confucianism is being used as a tool of soft power to achieve foreign policy objectives (Lahtinen 2015, p.200). Daniel Bell contends that as Marxist-Leninist ideology is no longer relevant to Chinese society, the Party ought to adopt political Confucianism as it is a better alternative to liberal democracy given conditions in contemporary China (Bell 2007, pp.26-27).,

Although there are different interpretations of the Party's invocation of Confucianism as the basis for legitimisation stories in the literature, including those cited in the above paragraph, some common themes begin to emerge after close examination. These are that Marxism-Leninism has lost its relevance and therefore its usefulness as the ideological basis for legitimisation stories; Confucianism is useful in this context both as a conservative political ideology that stresses the need for stability and respect for hierarchies, and as a powerful symbol of national pride in the drive towards nationalism. What is more surprising is that although there is agreement that the Party has indeed gone, or is going through, some sort of a Confucian turn, the nature of the turn is rarely discussed. Hu Shaohua, for example, who mentions the revival of Confucianism in post-Mao China in a paper on the relevance of Confucianism in Chinese contemporary politics (Hu 2007, p.142), notes the difficulties of defining Confucian doctrine given its inconsistency and ambiguity (Hu 2007, p.143), and chooses to discuss Confucian doctrine rather than as a state ideology or tradition (Hu 2007,

p.144). What Hu does not do, however, is to examine further the strand of Confucianism being revived or examine in detail the way that the Party is using Confucianism for its legitimacy. This seems strange for a paper on the political relevance of Confucianism in a one-party state.

Ford, on the other hand, is very clear in his assessment that the use of Confucianism by the Party is merely part of a nationalistic drive to exploit the 'Chineseness' of 'Socialism with Chinese characteristics' for a continuation of a one-party dictatorship (Ford 2015, p.1032). He further argues the Party's use of Confucianism is based on 'quasi-Confucian concepts' (Ford 2015, p.1033), without really clarifying what, in his opinion, 'real' Confucianism is. As previously discussed, classical Confucian texts contain some very contradictory doctrines, and it is important to note that there is no 'true' form of Confucianism, only different interpretations of the philosophy. Given this, it is not helpful to describe the Party's invocation of Confucianism as being 'quasi'. The Party may not be using accepted orthodox forms of Confucianism, but it is nevertheless still using concepts based on Confucianism. For example, Ford cites Hu Jintao's uses of a 'Harmonious Society' as an example of quasi-Confucianism (Ford 2015, p.1036). Now it may well be argued that Hu's concept is rather ambiguous in the orthodox Confucian context, as it is not clear which Confucian tradition Hu is drawing from, but it cannot be denied that the concept of a harmonious society has strong general Confucian connotations. Ford also cites extensively the Jiang Qing proposal of a Confucian meritocracy and criticises it for using the 'cultural vocabulary of Confucian antecedents' in a modern and political manner rather in the 'proper' Confucian ethical conduct (Ford 2015, p.1037). This would seem to highlight Ford's misunderstanding of what political Confucianism is. Of course, Confucianism contains strong elements of ethics, but it is also about how society should be arranged based on these ethics; political Confucianism. There is nothing incompatible about Jiang's proposed meritocratic system and Confucian ethics, and it would be rather strange for

a modern political Confucian philosophy if it is neither modern nor political. Ford's assertions that Confucianism should be based on the idea that 'right action will simply draw adherence through its obvious and intrinsic appeal' (Ford 2015, pp.1037-1038), would also seem to have the absurd implication that any coercive forces of the state would be unnecessary in a 'true' Confucian society.

Ford's analysis of the Confucian turn in contemporary China, although more detailed in the extent of the Party's actions in invoking Confucianism, is let down by his misunderstanding of political Confucianism, and resulted in the flawed conclusion that the Party is appealing to 'quasi' Confucianism for legitimacy. The conclusion of the 'quasi' Confucianism also means that the strand of Confucianism being invoked by the Party remains unclear. His analysis that the use of Confucianism by the Party is merely a part of nationalism, however, is supported by Cheung, who claims that Confucianism is a new nationalist discourse (Cheung 2012, p.210), and Theodore de Bary, who notes that the Confucian revival in post-Mao China is based on '...Chinese culture as quintessentially Confucian, presents Chinese tradition and the current regime as enlightened...' (De Bary 1995, p. 182). Nevertheless, neither De Bary, Cheung, nor any of the authors mentioned so far have successfully determined the nature of the turn. That is, both the strand of Confucianism being invoked and the way that it is being used. This apparent gap will be filled in this chapter.

7.3/ Methods and Methodology.

One of the ways to examine the form of Confucianism is being invoked and the nature of the Confucian turn would be through an analysis of the elite discourse on Confucianism. Put simply, discourse is merely 'language above the sentence or above the clause' (Stubbs 1982, p.1), or 'any aspect of language use (Fasold 1990, p.65, emphasis in original)'. Language in the context of discourse goes beyond the written text or spoken words, and includes anything that may convey a message. Discourse is therefore a communitive event (Van Dijk, 1998, p. 2). It is also a powerful tool that can be used to shape, and is also itself shaped by, power relations (Gottlieb, 1981, p. 283; Fasod, 1990, p. 65; Fairclough, 1992, p. 8; Kendall and Wickham, 1999, p. 42; Watson, 2002, p. 267; Van Dijk, 2008, p. 1). Discourse analysis, then, can be used to examine the message being communicated, and the way that language is used to create or sustain certain meanings and concepts in support of power relationships and ideologies.

Elite discourse can be either discourse about the elites, or the discourse used by the elites to convey certain messages. This thesis will take elite discourse to mean the messages being conveyed by the elites, rather than discourse about the elites. The definition of elite, however, can be vague. Crispin Thurlow and Adam Jaworski state that the term is a floating signifier which is often used for rhetorical purposes, sometimes to ludicrous effect (Thurlow and Jaworski 2017, p.243). This thesis will use 'elite' in the context of a ruling elite; those in a position of political power and those who are at the higher echelons of the hierarchy outside of the government but owe their position to the ruling elites. Highly placed academics, in this context, would be considered part of the ruling elite in China.

The purpose of this examination of the elite discourse, then, is to decipher the explicit and implicit meanings of the messages being conveyed to determine the extent that the Party is turning towards Confucianism to address issues of political legitimacy and governance.

Some limitations of discourse analysis as a method are that there is a general lack of explicit techniques, as each tradition has its own epistemological position, concepts and procedures. Furthermore, meaning is never fixed, and everything is always open to interpretation and negotiation (Mogashoa 2014, pp.111-112). Lorena Cruz adds that all qualitative researches are open to subjective interpretations, and that there may be other equally valid interpretations of the texts (Cruz 2015). Kathryn Ahern cites Crotty (1996) and Schutz (1994), in which they state that total objectivity for qualitative researchers is beyond the realms of human possibility (Ahern 1999; p. 407), and that researchers are bound by their social and cultural backgrounds in their interpretations (Burkitt 1997). Such subjectivity may be explicit or implicit, but they both impact on the validity and reliability of the findings (Cruz 2015, pp.1723-1724). Discourse analysis, then, can be justifiably criticised as subjective by nature.

These limitations, however, can be offset to a certain extent by understanding the social, cultural and political contexts behind the discourse, and by self-reflexivity. Indeed, given the unavoidable need to be selective in the choice of messages to be examined, the messages can only be selected, interpreted, and meanings constructed, with a good understanding of the social, cultural and political conditions. Self-reflexivity is the constant self-awareness of possible mistakes in the interpretation. The author will be self-aware of overly subjective interpretations and remain vigilant of possible mistakes, and will use the wider literature and empirical conditions to triangulate the findings, which would help to mitigate the risks of

reliability and validity. Given the reasons stated, and despite the limitations, an analysis of the elite discourse would be a suitable tool to examine the extent to which the CPC is shaping a Confucian narrative to sustain power and legitimacy.

7.3.1/ Rationale for the Selection of Cases.

This chapter will select a limited, but relevant and representative, sample of texts (text in this context would include non-written materials; in effect, any form of medium that conveys messages) for a close reading and interpretations of the elite discourse on Confucianism. The cases selected are: The Confucius Institute and the symbolic use of Confucius in the international promotion of Chinese language and culture; the use of Chinese traditions in the Opening Ceremony of the 2008 Olympics in Beijing, three speeches by Xi Jinping which touched on the subject of Confucianism and traditional Chinese culture in relation to the governance of China, and Xu's (2009) collection of Xi's quotes on the importance of familial settings and education to instil the correct ethics into the people.

The first two texts will be used to examine the use of Confucian symbols and images by the Party, and the messages that these are intended to convey. The Confucius Institute is an official organisation and the messages it conveys are part of the elite discourse. This case was selected because the very name of the Institute would seem to suggest an official recognition of Confucius and by extension, Confucianism, as an icon for Chinese culture. The message it conveys, in terms of domestic legitimacy, is interesting because despite its stated aims of promoting Chinese culture to a foreign audience, it is also the basis for the assertion of national and cultural identities by an ideologically confused ruling elite. Hence, the Institute can serve the self-legitimation needs of an insecure elite, and from which they can construct their legitimation stories based on the ideas of nationalism with Confucius and Confucianism as the

symbols of Chinese exceptionalism.

The 2008 Beijing Olympics enabled the Party to show off its decades of economic success since the reforms both to a domestic and a wider international audience. The spectacular opening ceremony was full of references to Chinese cultural traditions and achievements, some of which were based on Confucian teachings. The messages conveyed in the opening ceremony is then a good case to examine the Party's portrayal of Chinese cultural heritage in the popular discourse and the relationship between this heritage and Confucianism.

The choice of a speech by Xi to commemorate the 2565th Anniversary of Confucius' Birth in 2014 would almost seem self-explanatory. The leader of the Party speaking at a gathering to celebrate the birth and life of the sage should inevitably contain his thoughts on Confucian teachings and their relevance to present day China. The case would therefore be a good source to help determine the Party's position on Confucianism.

Xi's speech at the 13th National People's Congress (NPC) on the 20th of March 2018 was chosen for examination because of its specific references to Chinese traditional philosophers and Chinese cultural achievements in the invocation of Chinese nationalism. This differs from his previous speech at the 12th NPC in 2013 (Xi 2013), which although was strong on the theme of Chinese exceptionalism and patriotism in the shape of the Chinese dream, lacked any mention of specific traditional Chinese philosophies and merely talked about the abstract notion of the great spirit of the Chinese nation. Both are again strikingly different from the speech by Hu Jintao, the previous leader, in his speech to the 11th NPC in 2008 (Hu 2008), in which although there were the usual mentions of the nation progressing under the wise rule of the Party, the emphasis was on stability and social justices based on popular sovereignty and

the rule of law. The analysis of the text will be useful to decipher the possible meanings behind the evolving use of language as well as the meaning of the speech itself.

The speech given by Xi in 2019 stressed the need for moral probity in Party officials, that officials should be loyal to the central leadership and morally upright by drawing from Confucian ethics. The speech, then, appeals to Confucian ethics for a better governance of the party-state. Although the speech is aimed at party officials rather individual citizens, it is a good indication of the values promoted by the Party, and how it treats the relationship between Confucianism and traditional Chinese concepts. Given that it is aimed at officials, the speech can also help with the examination of the self-legitimation efforts of the Party.

The last text to be examined is an article by Xu (2019) in the *Hongqi* (红旗) journal, which is a collection of Xi's statements on traditional and Confucian family values and their relationship with patriotism. Xi draws on Confucian family values for the promotion of patriotism, which according to Xi, equates with loyalty to Party. There are three main themes in the article, the gender roles in the promotion of patriotism, traditional Chinese ethics, and patriotism and the legitimation of the Party based on nationalism. This text is therefore useful to help understand the Party's treatment of the relationship between Chinese traditional culture and Confucianism in the elite legitimacy discourse.

The six texts selected for analyses spanned nearly two decades during which there was a change of leadership in 2012. The Confucius Institute was established in 2004, and the Beijing Olympics held in 2008. The examination of these cases is therefore helpful to illustrate the Party's position on Confucianism for nearly two decades and across two leaderships. The latter four texts are either published in the official Chinese government websites such as Xinhuanet

or by the Party journal *Qiushi* (求是) and *Hongqi*. *Hongqi* is a journal under the umbrella of *Qiushi* journal, which is produced by the Central Committee of Chinese Communist Party and is an ‘...[I]mportant base for the Party Central Committee to direct the ideological and theoretical position of the party and the country’ (是党中央指导全党全国工作的重要思想理论阵地)’ (Qstheory, No Date a). The texts chosen for analyses would therefore seem to be a fair representation of the Party’s official position on Confucianism and can be used to extrapolate the relationship between the Party and Confucian ideology in its legitimation and self-legitimation efforts.

7.4/ Confucius the Icon: The Use of Confucius and Confucianism as Assertions of Chinese Identity.

7.4.1/ Confucius Institute: The Message in the Name.

The Confucius Institute (孔子學院) is officially affiliated to the Chinese Ministry of Education, and under the office of *Hanban* (汉办) (Hanban, No Date a). The running of the Institute was transferred to the Chinese International Education Foundation in June of 2020 (Confucius Insitutie, No Date a). The fact that the Institute was named as the ‘Confucius Institute’ sends out the strong message that the sage has now been officially rehabilitated after the long and troubled history between Confucianism and the Party. As already discussed, the founders of the Party were strong supporters and/or founders of the May Fourth Movement with its fervent anti-Confucian messages, and this antagonism towards the sage reached a climax during the chaotic days of the Cultural Revolution.

The official overturning of 50 years of overt hostility towards Confucius and Confucianism by the Party can be seen as a seismic move and evidence that there has been a Confucian turn. This is supported further by the stated goal of Hu Jintao in 2004 to establish a ‘Harmonious Society’ with its strong Confucian overtones (Hu 2006), the same year that the Institute was established. Discourse is a communicative event, so although it may seem that there is not a great deal of text (in the form of words or images) of the Institute itself for relevant analysis, the discourse in this case is in the setting up and naming of the Institute and the message this conveys given the Party’s troubled history with the ideology.

The official purpose of the Institute as listed in bylaw 1 of its constitution, is to for individual Confucius Institutes to:

‘...[D]evote themselves to satisfying the demands of people from different countries and regions in the world who learn the Chinese language, to enhancing understanding of the Chinese language and culture by these peoples, to strengthening educational and cultural exchange and cooperation between China and other countries, to deepening friendly relationships with other nations, to promoting the development of multi-culturalism, and to construct a harmonious world (Hanban, No Date b)⁸.’

The use of the Institute to promote all things Chinese may seem that Confucius is being used as an icon rather than the promotion of Confucianism. This use of Confucius is purportedly to reinforce the longevity and the continuous nature of Chinese culture. The use of Confucius as an *alter ego* for Chinese cultural traditions, and by extension Confucianism, given the very close association between the two, would in a very broad sense suggest that there has been a Confucian turn. This is significant given the troubled historic relationships between the Party with both Confucius and Confucianism. That said, the Institute is for the promotion of Confucius rather than Confucianism which means it would be hard to pin down any specific forms of Confucianism being invoked in this case. The use of Confucius and Confucianism to represent all Chinese cultural traditions would suggest that this is a form of folk Confucianism. However, it may be more prudent to treat the naming of the Institute only as strong supporting evidence of a Confucian turn, but which offers no clarity on the nature of the turn at this stage.

On the surface, the stated aims and activities of the Institute would seem to suggest that its intended audiences are foreign countries for international, rather than domestic, legitimacy, and

⁸ Since the transfer of affiliation to the Chinese International Education Foundation, no formal constitution was listed on the Institute’s website, but the scope of its activities (业务范围) remains broadly the same (Confucius Institute (no date b).

the setting up of missions in overseas universities would seem to support this (Hughes 2014, pp.46-47). International legitimacy, however, can also have its uses for domestic legitimation. It is not clear in which context ‘multi-culturalism’ is being used, but this aim of the Institute is rarely mentioned by overseas Institutes. If it means a respect for other cultures, it may be the case that the promotion of multi-culturalism is implicit with a better understanding of Chinese culture by other cultures. Alternatively, it could also mean that ‘culture’ in this context really means ‘political system’, and respecting different cultural values necessitates also respecting political systems not based on the liberal ideals of freedom and democracy.

What is also interesting is the terminology used in the aim to construct a ‘harmonious’, rather than a peaceful, world. ‘Harmonious’ (和谐) has strong Confucian overtones, and resonates with the concept of a harmonious society promoted by Hu Jintao, the leader of the Party from 2002 to 2012, in 2004 (Hu 2006). The use of this term could be taken that the Chinese state is working towards a rule-based international system, but one with more input from China and Chinese concepts of governance rather than present liberal-based system led by the US. Indeed, the use of ‘multi-culturalism’ and the aim of a ‘harmonious world’, combined with the Party’s disdain of the liberal-based ‘universal’ values of human rights (for an example of the Party’s position on universal values, see Song 2019), would make this a reasonable conclusion. In essence, the last two aims of the Institute can be seen as an assertion of international legitimacy for the Chinese mode of governance in the face of liberal criticisms regarding its disregard for human rights. This assertion of international legitimacy may then be used as a basis of legitimation for the domestic audience. That is, it can be used to construct the narrative that the Chinese mode of governance is respected even by foreign liberal regimes and is therefore a viable alternative to liberal-democracy.

In this context, the promotion of the Confucius Institute can be seen as part of a nationalistic drive, in which the Party hopes to counter any creeping influences of the 'Western' ideas of freedom and democracy from taking root in China. The wider elite discourse on Confucianism beyond the Confucius Institute adds support to this analysis of a nationalistic drive. The professor of the Central Party History and Literature Research Institute (中央党史和文献研究院教授), Hu Changshuan, advances an argument in defence of the Chinese mode of governance. The argument is that as Chinese culture and philosophies, as exemplified by Confucianism, have such long and rich historical tradition, there is no need for China to turn to 'Western' ideologies for ideas on governance (Hu 2020). The executive vice-president of the Advanced Institute of Confucian Studies of Shandong University, Wang Xuedian (王學典), argues in favour of the present mode of Chinese governance on very similar lines. He states that 'Chinese traditional culture, represented by Confucianism, can provide stable values to enhance social cohesion and sense of identity' (cited in Zhang 2014).

The irony that socialism, even when dressed in Chinese characteristics, is like liberalism, very much a product of the European Enlightenment, seems to be lost on the elites. Ironic or otherwise, it does rather seem that Confucius is being used as a nationalistic icon against Western liberal ideological influences by a ruling party steeped in the Western traditions of Marxism. This ideological confusion, and an inability or unwillingness to distinguish from what is 'Western' and what is 'Chinese' may also be a reason for the setting up of the Institute. Liu Guo-Qiang argues that part of the agenda of the Institute is also for internal Party consumption, that is, as self-legitimation. He states that policy initiatives are always conceived top down in China, by the elites within government circles (Liu 2015, p.782), and that the Confucius Institute initiative occurred during a period of rapid changes in China when the Chinese elites were searching for a national identity (Liu 2015, pp.784-785). Zhao Ziyang, the

deposed former General Secretary of the Party, also noted that there was a sense of identity crisis within the rank and file of the party and wider society due to the reforms (Pei 2008, p.2). In this context, the Institute can also be seen as a self-legitimation tool for the part of the ruling elites that may have lost the confidence to rule based on Marxist values. The Institute is being used to engender a Chinese identity with which the Chinese people can identify, with Chinese cultural traditions as represented by Confucius serving as their lifebuoys in a sea of ideological and identity confusion.

The naming of an institute as Confucius to promote all things Chinese can be easily seen as a Confucian turn by the Party given the close association between Confucius and Confucianism. The analysis of the Confucius Institute, however, suggests that this turn is based on nationalism rather than Confucianism. The fact that Confucius and Confucianism would become the forefront of any promotion of nationalism based on traditional Chinese culture is perhaps not surprising. It has, after all, been the dominant and only state-sanctioned political theory since early Han times until the end of the imperial era. On the contrary, it would be surprising if Confucius had not been used as the main icon of any nationalistic drive given the hegemonic status of Confucianism for much of Chinese history.

The use of nationalism as an appeal for political legitimacy is in line with the Party's traditions, for the aim of the Party has always been based on the idea that as both Confucianism (of the Song-Ming variety) and liberalism have failed to rejuvenate China to its former glories, only Marxism-Leninism is up to the job of doing so. The Party invocation of Confucius as an icon for the assertion of Chinese identity as part of its legitimation story, then, represents a major about-turn by the Party given its traditional hostility towards Confucianism. This supports the idea that Marxist values have, if not lost, then at least greatly diminished, relevance in

contemporary Chinese society, and therefore much of their legitimation potential. In response to this, a ruling order with strong anti-Confucian traditions had to revert to the use of Confucius as an expression of Chinese identity as part of its legitimation story, and for the self-legitimation of the ruling elites.

The case of the Institute, while not revealing the form of Confucianism being invoked in the Confucian turn, can at least be clear evidence that there is indeed a turn. Confucius is no longer *persona non grata*, but rather placed back on the altar as a sage and a representation of Chinese identity in the official Party discourse. Furthermore, the case also revealed that Confucianism in its broadest sense is being used as an assertion of Chinese identity as part of a nationalistic drive.

7.4.2/ The Opening Ceremony of the 2008 Beijing Olympics.

The full footage of the ceremony used for this analysis is based on a YouTube video (<https://www.youtube.com/watch?v=bufV3EgyPGU&list=PLLZFX1xwmSnCS7ySZmhSCNHBOH0ak1utD&index=4&t=0s>), and China.Org.Cn (No Date) gives brief details on some of the relevant cultural contexts of the icons and proverbs used.

The 2008 Beijing Olympics was a perfect showcase to trumpet the success of the Chinese economic reforms through the media coverage of the event (Chen, Colapinto and Luo 2012). It was also an event which the Beijing used for global position building akin to the establishing of Confucian Institutes across the globe (Caffrey 2010). There were meticulous attentions paid to what may seem like minor details to some observers in the staging of the opening ceremony. These details included the computer-generated firework displays (14.00 minutes into the video) for better effect (Watts 2008), and to have a 9-year-old girl to mime the song ‘Ode to the

Motherland' (歌唱祖國) in front of the stage (18:07 minutes into the video), as the child singer who had actually sung the song from behind the stage was deemed to lack the right image (Bristow 2008). The attention to minor details, to the extent of using what were arguably fake images for the television screens to project a favourable impression of China, indicates that the Party had placed great importance on the event. Luo Jialing argues that it is normal for modern secular ceremonies to be arranged meticulously to fulfil the host country's ambitions (Luo 2010, p.772). Given this, the use of Confucian icons and proverbs in such a high profiled event, can therefore, be easily interpreted by some as a Confucian turn by the Party. When viewed in their entirety, however, it can be seen that the use of Confucian themes was only part of a display of traditional Chinese inventions and achievements during the ceremony. This supports the argument that it is traditional Chinese culture that was being promoted, and Confucianism comes as part of the package due to its prominence throughout Chinese history.

The first use of Confucian themes in the ceremony started at 30:03 of the video, with scholars dancing in unison around unfolding scroll and the Confucian quotes 'We are happy that friends have come from afar' (有朋自遠方來, 不亦樂乎) (*The Analects*, Xue Er 1; No Date) and 'all are brothers within the bounds of the four seas' (四海之內, 皆兄弟也) (*The Analects*, Yan Yuan 5; No Date). Both quotes are taken from a Confucian classic, *The Analects*, and they seem appropriate to welcome the world to China's biggest international event in living memory. It seems likely, however, that the quotes based on Confucian texts were incidental, in that they convey a welcoming message and the brotherhood of man based on traditional Chinese culture, which was appropriate for a major international event, rather than for their specific Confucian heritage. Luo states that the performers were dressed in Qin official costumes (Luo 2010, p. 776), which predates the adoption of Confucianism as the state ideology in China, so these performers were unlikely to be portrayed as Confucian scholars. Furthermore, some of the

Qin's most infamous acts were the burning of Confucian classics and the burying alive Confucian scholars. It would be rather a strange way of promoting Confucianism if that was the intention. The best reading of these quotes, therefore, would be that it is a celebration of Chinese cultural tradition to welcome friends far and wide to the event rather than of Confucianism *per se*, and that Confucianism is being conflated with all Chinese traditions.

The other use of Confucian concepts during the opening ceremony was the emphasis on 'Harmony', with the large Chinese character '和' on both sides of a moveable type, which also projects the same character (frame at 33:36 of the video). Luo Qing *et al* state that the concept of harmony represented here goes beyond Confucianism, that it is also a statement of the disharmonious aspect of environment and urbanisation (Luo *et al* 2010, p.1596-1597), and therefore the need of social harmony is offered as an ideal to combat these excesses of modernity (Chen, Colapinto and Luo 2012, p.191). The image of the movable type within this theme is interesting, as it portrays not only a Confucian ideal, but also a pivotal Chinese invention, giving support to the idea that the main appeal is to Chinese achievements, of which Confucian thoughts form only a part of these achievements.

Indeed, a major part of the ceremony seemed to focus on Chinese contributions to world civilisation, such as papermaking, moveable type printing, gunpower and the compass (Chen, Colapinto and Luo 2012, p. 191). The other parts of the ceremony continued on these themes of Chinese cultural icons and achievements. These include the Great Wall, Chinese ink and wash painting, the 'four treasures' of Chinese mode of study; brush, ink stick, paper and ink stone, and the concept of *Taiji* and the five elements of metal, wood, water, fire and earth (五行) with the emphasis on the harmonious nature between man and nature, the seven voyages to the 'Western Oceans' by the eunuch Zheng He (鄭和) during the early Ming Dynasty in the

15th century, and the glories of the Tang Dynasty. The reference to *Taiji* and *Yin Yang* is worth noting because the concept of unity in polar opposites is based on Daoism, which had incorporated some of the concepts of the School of *Yin Yang* (陰陽家) in terms of the five elements. This representation of other traditional Chinese philosophies and school of thoughts in the opening ceremony would further support that Confucian philosophy was not afforded any special status as a philosophy, but that its use was purely iconic due to its dominance during most of the imperial era.

It is plain to see that the ceremony was a celebration of Chinese achievements and the projection of a long and proud continuous history which stretches back to a mythical 5000 years. These references can seem confusing to non-Chinese without a good grounding in Chinese history or culture. Luo (2010, p.774-775) states that the meanings of the references may be lost on the outsiders looking in who may project their own meanings to the references, but Luo argues that the opening ceremony was more than an attempt at geopolitical soft power play aimed at an overseas audience. It was also an attempt in trying to convey a message to the domestic audience, which draws on the ideals and the shared history that shaped a people and a nation, and with a vocabulary to make the people feel proud of this great shared heritage. The ceremony was, in essence, a nationalist turn playing on the theme of Chinese exceptionalism. Confucian philosophy has a part to play in this appeal towards nationalism as it is a major part of the shared heritage.

Both the cases of the Confucius Institute and the 2008 Beijing Olympics show that the strand of Confucianism being invoked is unclear. If pushed, there is tentative evidence to suggest that it could be based on folk Confucianism, given the lack of specific Confucian ideologies mentioned and the conflation of Confucianism with all Chinese cultural traditions. Contrary

to the ambiguous form of Confucianism being invoked, however, is the central message being clearly conveyed by the two cases. This is that Confucius and Confucianism are once again viewed sympathetically by a ruling order that has a long history of being vehemently hostile to Chinese cultural norms and values based on Confucianism. This can be considered a Confucian turn by the Party, and one of the possible reasons for this turn is the increasingly irrelevance of Marxist values in the daily life of the Chinese populace, and therefore may not be easily made sense of when used in any legitimation stories. The Confucian turn in this context as found by the examination of the two cases, is that the abstract notion of Confucianism was being used as a cultural symbol for the expression of Chinese identity for both legitimation and self-legitimation purposes by an insecure elite suffering a crisis of identity, without a clear strand of Confucianism being invoked.

7.5/ Dissecting Xi Jinping's Speech at an Official Confucian Gathering in 2014.

This speech is from Xinhuanet 新华网 (2014), the full transcript of the speech is available at: http://news.xinhuanet.com/politics/2014-09/24/c_1112612018.htm. The topic Xi was discussing is 'Confucianism, World Peace and Development' (Paragraph two).

The very fact that the leader of the Party had chosen to make a high-profile speech in honour of the sage would add support that the Party is being receptive to Confucianism, and a close reading of the text can help to clarify the nature of its position on Confucianism. The speech contained some Confucian quotes, as can be expected on these occasions, but also included traditional Chinese proverbs and quotes from other schools that have no direct Confucian connections. An example of this is in paragraph five, where among other terms, Xi used '国虽大，好战必亡' (A state may be strong, but will surely perish if engaged in war-mongering), which was a quote not from Confucian texts, but from the Military School (兵家) (*Si Ma Fa*,

Ren Ben 司馬法, 仁本.) The use of non-Confucian, but nevertheless traditional Chinese texts to stress how nations should avoid unnecessary wars in a Confucian meeting on the subject of peace is a clear indication that there is an attempt, either conscious or otherwise, to conflate all Chinese cultural traditions with Confucianism. So, although Buckley's (2018) claim that Xi would often quote Confucian texts is technically correct, it would be more correct to state that Xi often quotes from many different schools of traditional Chinese thoughts, which would at times include gems of wisdom from the sage and his followers. These quotes, however, have all been classified as being 'Confucian' by some receptors of the message. This conflation of Confucianism with Chinese cultural traditions by Xi indicates that it is the abstract notion of Confucianism as a representation of Chinese culture rather than any specific Confucian philosophies that are being invoked by the Party, and the fact that commentators such as Buckley would interpret this in similar ways means that this approach seems to be generally accepted.

There were three major themes contained within the speech. The first is on the evils of war and poverty and how Confucian ethics can help to solve these problems. The second is on the need for ideological diversity and mutual respect for different forms of governance and development given the differing conditions of each country. The last is on the century of humiliation, a naked appeal to nationalism and projecting the Party as the saviour of the Chinese nation.

7.5.1/ War, Poverty, the Problems of Urbanisation and Confucianism.

The evils of war and poverty were outlined by Xi in paragraphs three and four. In paragraph five, he put forward the notion that the Chinese nation has always been peace loving, and supported this with six traditional Chinese quotes, three of which have no Confucian

connections. The first of these, ‘国虽大，好战必亡’ , has already been discussed. The other two are both Chinese proverbs; 远亲不如近邻 (close neighbours are better than distant relatives) and 亲望亲好, 邻望邻好 (loosely translated as mutual help with neighbours). These quotes are used to reinforce the notion that peace-loving is etched into Chinese culture and is still the guiding principles of Chinese international relations.

Leaving aside problems from ancient history of whether the great expansionist Han and Tang empires were peace-loving in their wars of conquest beyond their traditional borders, this emphasis on the peaceful nature of the Chinese nation is still problematic. Whether the military conquests of the Tibet, Mongolia and the Western regions (Xinjiang) by the Qing Empire in the 18th and early 19th century (Perdue 2005), from which the present Chinese borders are mostly based on, can be called the act of a ‘peace-loving people’ is very much debatable. In fact, it is highly debatable whether any nation with an imperial history can be called historically peaceful. The present Chinese state may or may not be peace-loving, but to say that the Chinese nation has a long history of being peace-loving is akin to saying that Vikings were pacifists because the present Nordic countries are peaceful liberal democracies. This brief discussion of a historical nature may seem to be digressing from the point, but it is important because of the claim being made that this so-called peace-loving nature of Chinese culture is the guiding principle of present Chinese international relations policies. In other words, Xi was attempting to use a contested reading of Chinese history to justify current policies.

There is an implied assertion that ‘peace-loving’ would evolve into mutual non-interference, and therefore respect for the Chinese mode of governance. This reading can be supported by the statement by Wang Yi, the foreign minister of China, that China has never sought to interfere in the affairs of another country and expects others to do the same (Wang 2020).

However, this would go beyond the realms of international relations or geopolitics, for if this position by the Party is accepted by Western liberal democracies, it can then say to the Chinese people that even Western liberals respect its mode of governance to bolster its domestic legitimacy. This use of foreign news based on Chinese sources to affect domestic discourse, ‘export for domestic consumption’ (出口轉內銷), is a technique used on both sides of the Taiwan Strait. RFI (2000) and Cao (2013) give examples of this technique used by the Mainland and Taiwan respectively. In other words, this assertion of non-interference can be used for both international and domestic legitimacy claims.

Xi discussed in paragraph eight the importance of Confucianism in Chinese culture, that it has also greatly contributed to the development of human civilisation, and continued in paragraph nine to give a brief history in the development of Confucian thoughts in China, stating that there have been other philosophies that were in contention, and which have influenced the interpretation of Confucianism. He went on to state that Confucianism is not a static, but a dynamic philosophy. The last sentence in paragraph nine stated that Confucianism is the idea of personal cultivation plus societal norms combined to form a good governance model for a state. This, when combined with Xi’s reiteration in paragraph 26 that the governance system of China will be based on Marxist-Leninist principles, would suggest that Xi was advocating for the use of Confucian morals for the guiding of personal behaviour towards the Marxist state. Read in this light, the comment in paragraph 26 regarding co-opting ideas from other philosophies to better develop socialism with Chinese characteristic is not to suggest the incorporating of any form of political Confucianism within the present power structure, but rather, to incorporate the popular concepts of Confucian ethics of personal cultivation to conform to social norms under the direction of the Party.

This is not, however, an exclusive appeal to Confucian thoughts to solve the problems of governance of the modern Chinese state, but to a broad spectrum of traditional Chinese thoughts. Xi said in paragraph ten that ‘good’ traditional Chinese philosophies, including Confucianism, has continuously shaped the culture of the Chinese nation throughout the past few millennia, and have forged the Chinese family of multiple ethnicities. He went on to say that these philosophies have also helped the nation to resist invasion and move towards a fairer society.

The assertion that there is a ‘Chinese family of multiple ethnicities’ is problematic, in that some of these ethnicities were absorbed within the ‘Chinese family’ as a result of conquests by the Qing Empire, and were never given the choice of whether they wish to be part of this family. Lucian Pye makes the assertion that ‘China is a civilisation pretending to be a state’ (Pye 1990, p. 58). However, given that these problems are the results of post-imperial regimes of all political persuasions in China refusing to relinquish territories gained by conquests of areas populated by people with very distinctive differences both in terms of ethnicity and cultural traditions compared with the Han Chinese during the imperial era, a better description may be that the modern Chinese state is an empire pretending to be a nation-state. This would have consequences in terms of legitimacy for Chinese rule in its peripheral regions, but it is beyond the scope of this thesis to examine the topic of ethnic minorities in China, though it would nevertheless make for interesting further research. So, leaving this aside, the more interesting point to note in the context of the Confucian turn is that the philosophy of Confucianism is not being accorded any special status compared with other schools of thought, but that the abstract notion of Confucianism is seemingly being used as an expression of ‘Chineseness’ given the context of the speech. That is, the emphasis is on the ‘good’ Chinese philosophies that have helped to forge the special characteristics of the Chinese nation was an appeal to

nationalism and Chinese exceptionalism, and that Confucianism is the term used as an expression of Chinese identity.

Paragraph 11 highlighted the problems of advanced industrialised societies, the fall in moral standards, extreme individualism, excess consumerism and high disparities of wealth. Paragraph 12 suggested that the rich nature of traditional Chinese culture can be one way to overcome these problems. The paragraph ended with ‘let the quality Chinese traditional culture and that of other quality cultures work together to benefit all humankind’, which again, indicated that the Confucian turn by the Party is based more on nationalism, for the philosophy of Confucianism is again, afforded no special status among traditional Chinese philosophies. The comment regarding a fall in moral standards, extreme individualism, excess consumerism and high disparities of wealth deserves further examination. It is not known whether Xi was referring to these as Western problems, or whether that he recognised these are also major problems within Chinese society. Given the whole tone of the speech, in which he referred to problems in China and how the Party has overcome them, it is likely that Xi recognised that these problems exist in Chinese society. If that is the case, then this might be a tacit admission that socialism is not working in China. As Jana Rosker notes, the harsh competitiveness of the market and the lack of social welfare are hardly compatible with socialism (Rosker 2013, p.4). Furthermore, the high disparities of wealth and workers being treated as commodities, already discussed in previous chapters, go against the whole ethos of socialism, even when dressed in Chinese characteristics. Regardless of the contradictions and the seemingly tacit admission that socialism might not be working, Xi in paragraph 26 firmly stated the Party’s position on political ideology. He stated that the Party is based on scientific Marxism, although it is open to co-opting ideas from other philosophies in the development of Socialism with Chinese characteristics. This is consistent with other elite discourses, which still insist that Marxism-

Leninism is the key ideology that buttresses its rule (for example, Xi 2020c; Jiang 2020).

The insistence on the primacy of Marxian socialism, though, is somewhat compromised by the need to appeal to the market for economic development, and then the further need to appeal to traditional Chinese culture to try to resolve the contradictions arising from the need to rescue the relevance of a Marxist party in an increasingly market-based, consumerist society. To the cynically minded, the need to perform mental gymnastics to keep socialism relevant in the face of societal practices which suggest otherwise, is not any preference for Marxist ideology by some of the ruling elites, but the desire to maintain their grip on power. For if socialism is no longer relevant, the rationale for the Party's monopolistic hold on power might be somewhat lacking. Indeed, Xi seemed to confirm the cynic's view by stating that the very essence of the 'Chinese characteristics' of socialism in China is the paramount importance of the Party (Xi 2020 d).

7.5.2/ Ideological Diversity and Mutual Respect and the Path of Chinese Development.

References to Confucianism in the context of the need for ideological diversity and mutual respect started at paragraph seven with the quote '己所不欲，勿施于人' (what you do not wish to be done to yourself, do not do to others) (from *The Analects*, Yan Tuan 論語, 顏淵). Xi reiterated that China both needs and wants peaceful development and called for all to follow a peaceful development path. Xi supported this aim with quotes that it is in the nature of things to be different (物之不齐，物之情也) (from *Mengzi*, Teng Wen Gong I 孟子, 滕文公上) in paragraph 15, and '独学而无友，则孤陋而寡闻' (learning alone without friends results in ignorance) (from *Liji*, *Xue Ji*, 禮記, 學記) at the start of paragraph 20.

The distinctiveness of Chinese culture and therefore its need for a unique path of development was addressed first in paragraph 23, in which Xi stressed the importance of the ‘hundred schools’ in understanding contemporary Chinese spirit. He continued to state that although Confucianism had become the dominant ideology during the imperial era, Chinese culture has always been diverse. This cultural heritage is what distinguishes the Chinese nation from other nations. The short paragraph 25 continued on this theme, and stated that the aspirations and struggles of the Chinese people are based on the rich and fertile cultural soils of China.

These references to Chinese cultural traditions and Confucianism are used to back up the need for cultural diversity and mutual respect for different ways of doing things. The emphases are that cultures can learn from each other and the need to respect different cultures, no matter the size or strength of the country. Here, the appeal to Confucianism is in the very general sense of Confucian ethics, rather than any accepted forms of formal or political Confucianism. The reiteration by Xi that China both wants and needs peaceful development together with the emphasis on mutual respect and the uniqueness of Chinese culture is an assertion that China should be free to choose its own path without interferences or criticism of its internal policies. This section of the speech also stated the importance of avoiding cultural hegemony, which given the context of the Party’s stance that ‘Western’ democratic ideas are not suitable for China due to cultural and social conditions, has the not-so-subtle implication that these should not be forced onto the Chinese people by Western powers with ulterior motives. This would make for a powerful argument if such decisions were made by the Chinese people rather than the Party.

The reading that the seemingly innocent call for cultural diversity and mutual respect has the subtle meanings of being a defence of the Chinese Party-state’s mode of governance against Western influences may seem contrived. However, the Party’s record on mutual respect for

different political theories or cultures within China's borders has not been great, and it has a habit of accusing anyone criticising its human rights records as not respecting China's right in conducting its internal affairs as it sees fit. Far from cultural diversity and respecting other cultures within China, there seems to be attempts to turn China into a homogeneous cultural entity based on Han cultural traditions as defined by the Party. Some examples of these would be official pressures against regional Chinese languages such as Cantonese in favour of the official standard of Putonghua (Diment 2008; Werb 2015), and the forced Sinification of ethnic minorities in Xinjiang (Ryono and Galway 2014, pp. 242-243; BBC 2020 a; BBC 2020 b). These attempts to instil uniformity of culture and speech within the Chinese borders seem like the results of the lingering influences of the concept of the great unity. The Party also often accuses Chinese advocates of democratic reforms in China of working in collusion with foreign, 'anti-China' forces with ulterior motives. Song (2019) is a good example of this in the paper purporting to reveal the true motives of advocates of the universal values of human rights. Other examples are the Party's claims without providing any evidence that 'overseas black hands' were behind Hong Kong's 'Occupy Central Movement' for greater democracy (Higgins 2019; Kuo 2019).

The Confucianism content of this whole section of the speech is limited to a few quotes about personal behaviour and as a component of Chinese culture, with also a passing mention that the creation of a middle-class society, or *xiaokang* (小康), mentioned in the Chinese Dream is shared with Confucian ideals. The whole speech, in fact, conveyed the sense of Chinese exceptionalism rather than any particular affiliation with Confucian ideology. Given that this was at an event commemorating the birth of the sage, the lack of specifics on how formal political Confucianism can help with the governance of a modern state, except random quotes in relation to personal morals, is rather telling. Paragraph 26, in particular, clarified the nature

of the Confucian turn; the Party may be receptive to some Chinese cultural traditions if they can help with the legitimation of the Party. These traditions are often conflated with Confucianism, but the Party has not drawn from any formal forms of political Confucianism for its legitimation story, and the respect paid to Confucianism is only due to it being part of Chinese traditions, and very often, as an expression of Chinese identity. Confucianism was thus being used in a nationalistic manner, and used to stress the rich fertile nature of Chinese culture rather than as a philosophy in its own right.

7.5.3/ The Century of Humiliation: Pushing the Nationalist Agenda in a Confucian Gathering.

Messages can be conveyed not only by what is said, but how it is said and also what is not said. Xi pushing the nationalism agenda in this section of the speech in the form of the century of humiliation at a meeting to celebrate the birth of the sage without any references to Confucius and Confucianism would support the idea the Confucian turn is nationalist in nature.

The full text of paragraph six reads (translation by the author):

From the outbreak of the Opium War in 1840 to the founding of the PRC in 1949, the Chinese nation had suffered unprecedented foreign invasions and internal turmoil, and the Chinese people endured unprecedented sufferings, which threatened the very survival of China. In the Chinese people's war of resistance against Japan alone, China paid a heavy price of 35 million casualties. After prolonged experience of long-term suffering, the Chinese people know the most important things are peace, stability and development.

The assertions that China faced unprecedented foreign invasions and internal turmoil during

this period is contested because China had been ruled by foreign dynasties in the form of the Yuan and the Qing, and had also suffered great turmoil at the tail end of the Han and Tang Dynasties. The idea that the Chinese people's suffering had ended with the founding of the PRC in 1949 is plainly absurd given the scale of death and destruction of the Anti-Rightist Movement, the Great Leap Forward and the Cultural Revolution. Leaving aside these historical inaccuracies, the narrative of national humiliation does convey a strong message that is likely to resonate with a people brought up on the discourse of the century of humiliation, which conjures up the image of a backward China suffering from the foreign yoke, from which all of China's problems stem. The Party, by ending this humiliation, saved the Chinese nation from the threat of extinction. This neatly wraps the Party around the Chinese flag (as a metaphor rather than the actual flag of the PRC, which is after all, a Party creation). In this context, Xi is portraying the Party as the past saviour of the Chinese nation, from which the present party leadership can claim political legitimacy.

The mention of the wishes of the Chinese people for peace, stability and development after their prolonged suffering has the not so hidden implication that only the Party can bring the conditions needed for development. This is consistent with the Party invocation of the Chinese Dream for the rejuvenation of the Chinese nation. In this context, the Party is putting itself forward as the future saviour of the nation, and any threats to its rule would undermine the peaceful and stable environments needed for development. This paragraph is a full-blooded appeal to nationalism, with the Party the only political institution that can restore China to its, real or imagined, former glories. It is worth noting the whole paragraph made no references to Confucianism or Confucius. This pushing of a nationalist agenda in a gathering to commemorate the life of Confucius is likely a good reflection of the way Confucianism is being used in the Party's Confucian turn. The solutions to the problems of contemporary China, in

the context of this paragraph in particular, and the speech in general, lay not in Confucian values, but in the wisdom of the Party's rule. The Party has not re-invented itself as a Confucian-based party, but still very much officially a party based on its Marxist-Leninist traditions, with inputs from Chinese traditional culture to offset the diminishing relevance of socialism as a legitimation ideology.

7.6/ Xi Jinping Speech at the First Meeting of the 13th National People's Congress.

This section will examine the speech given by Xi Jinping at the first session of the 13th National People's Congress on the 20th of March, 2018 (Xi 2020a).

The main themes of the speech are the uniqueness of Chinese culture, the achievements of the Chinese nation, and the tenacity and resoluteness of the Chinese people to forge a modern state in the face of foreign interferences and aggression. Confucianism is mentioned in passing, as part of China's rich cultural heritage that can help in the process of creating a strong modern state. Xi stressed that this great rejuvenation of the nation can only be achieved under the leadership of the Party. In essence, this speech was an appeal to Chinese exceptionalism for the legitimation of the Party, in which again, the Party was projecting itself as the saviour of the Chinese nation. This appeal to nationalism for political legitimacy of the Party is a constant theme in the elite discourse, and consistent with the findings of the three selected cases examined so far in this chapter. The speech also supports the argument of this thesis that the Party's use of Confucianism for legitimation is based on traditional Chinese culture rather than any specific Confucian philosophy.

Paragraphs four to nine is an outline of the achievements of Chinese culture, which include its great thinkers, pivotal inventions, great literary works, and monumental civil engineering projects. There are two other main themes within the speech, the first concerns the Party as the natural ruler of modern China and its role in the rejuvenation of the Chinese nation which are contained in paragraphs 11 to 14, 19, 23 to 24 and 29-30. The second deals with sovereignty in paragraphs 26 to 28.

7.6.1/ Appeals to Traditional Chinese Culture.

Xi praised the spirit of the Chinese people, and lauded them as the true heroes for the richness and magnificence of the long history of Chinese development (para four). Paragraph five continued on the same theme, and Xi talked about the uniqueness of the Chinese people in creating and sustaining a long and continuous civilisation. This resonates with the comment by Luo (2010) that appeals to nationalism are based on vocabularies to make a people feel special about a shared heritage. The examples that Xi gave to illustrate this richness of Chinese culture and achievements throughout its long history are interesting in the context of the Confucian turn by the Party. Out of the seven great thinkers that Xi listed, only two, Confucius and *Mengzi*, are thinkers in the Confucian tradition. The rest are drawn from other contending schools of thought during China's axial age. *Laozi* (老子) and *Zhuangzi* (庄子) were from the Daoist school, *Mozi* (墨子) was the founder of the Mohist school, *Hanfeizi* (韩非子) was from the Legalist tradition, while *Sunzi* (孙子) was from the Military school. That said, the tendency to label all Chinese culture and traditions under the umbrella term 'Confucianism' by both the Party and most commentators as discussed earlier in this thesis means that the appeals to Chinese tradition can be seen as a Confucian turn. The nature of the Confucian turn, then, is based on traditional Chinese culture, which is consistent with the findings so far.

The list of great literary works that Xi listed in paragraph six further reinforces this point. Only the *Book of Poems* (诗经) is part of the Confucian classics, the rest; the Verses of Chu (楚辞), Han Poems (汉赋), Tang Poetry (唐诗), Song lyric poetry (宋词), Yuan Opera (元曲) and Ming and Qing novels (明清小说) are all high marks of Chinese arts and literature during different periods of Chinese history. These works, however, have no Confucian connotations in their forms, although their contents may reiterate certain Confucian moral precepts given that

scholars who produced these works after the Han adoption and reformation of Confucianism would most likely to have had a Confucian-based education. It is this seemingly all-embracing influences of Confucianism on most post-Han ideas and norms that makes it difficult to disentangle Confucianism and Chinese traditions, and therefore between a ‘traditional’ and a Confucian turn.

Xi also listed great non-Han (Han is used here in an ethnic context) literary works from China’s peripheral regions; the Epic of King Gesar (格萨尔王), the Epic of Manas (玛纳斯) and the Epic of Jangar (江格尔), as part of Chinese culture, to support the notion that the Chinese nation is made up of 56 different ethnicities (para eight). If it is accepted that people are forged into nations by myths, or imaginary shared heritages (Anderson 2016), then it is debateable whether people with very distinctive ethnic differences in terms of physical features, languages and cultural traditions would have the same shared imaginary past necessary to feel part of the same nation. The contested issue of ethnic minorities within China’s peripheral areas has already been briefly discussed and is beyond the scope of this thesis. The main point to note here is that Confucianism was not given any special status among the lists of Chinese, Han and non-Han, cultural achievements. This is further stressed in paragraph nine, in which Xi rolled off a list of eight traditional proverbs and myths to illustrate the spirit of the Chinese people, which along with the need for a unified country, are crucial for the rejuvenation of the Chinese nation. Except for the first proverb on the list, 天下为公, which can be loosely translated as ‘all under heaven belongs to all’, from the *Book of Rites* (*Liji, Li Yun 1* 禮記, 禮運 1), the rest have no direct Confucian connections.

The prominence given to historical thinkers and achievements and the use of Chinese proverbs as illustrations of good governance are sharp departures from previous speeches given to the

NPC by the Party leader. While Xi's previous speech to the NPC in 2013 did mention Chinese exceptionalism, the appeal was more on the rejuvenation of the Chinese nation in the form of the Chinese Dream, and Chinese traditional culture was only mentioned in passing in the form of the historical spirit of the Chinese people (Xi 2013). Hu's speech to the NPC was almost silent on Chinese cultural traditions. Instead, Hu's focus was very much on stability and social justices based on popular sovereignty and the rule of law (Hu 2008). Hu's invocation of popular sovereignty and the rule of law was always at best, to construct a perception of institutional probity in the Party's governance of the country rather than anything concrete or even aspirational given the power structure in China. Nevertheless, the change of emphasis from institutional and systemic bases of good governance to appeals to Chinese cultural traditions is still rather telling. It seems to suggest that Xi was acknowledging the problems of creating hopes and expectations which cannot be realised unless the Party is prepared to concede its total hold on power, and has switched the appeal to Chinese cultural heritage for legitimacy. Pei Minxin makes the point that cures to bad governance may be worse than the disease in authoritarian regimes, for institutionalised reforms would undermine the economic and political foundations of a one-party rule (Pei 2018, p.226).

Xi's emphases on the uniqueness of Chinese culture and the need for a unified state were preparations for the next theme of the speech, which is that given the unique Chinese conditions, only the Party can ensure the stability needed for the continuation of China's illustrious history and the rejuvenation of the Chinese people.

7.6.2/ The Party and Socialism with Chinese Characteristics.

This part of the speech made no direct references to either Confucianism or traditional Chinese traditions, but focused on nationalism as the main legitimation effort, with a deliberate

conflating of party and state. Given that this chapter has so far found that Confucius and Confucianism have been used as assertions of Chinese identities, and the broader context of the speech in which there were wide references to traditional Chinese ideals and achievements, this part of the speech is useful in gaining a better understanding of the nature of the Confucian turn by deciphering some of the implied messages.

Xi stressed in paragraph ten that the Chinese people have self-confidence in the ideology and system of socialism with Chinese characteristics, which are based on the great spirit of the Chinese people. In paragraph 11, he outlined the basic governance structure of the Chinese state, claiming that it is a socialist state based on the leadership of the workers in a coalition between workers and peasants, and which all power comes from the people. The assertion that China remains a socialist country is contested, as is the notion that the people hold the ultimate power under the present power system. However, these have all been discussed in previous chapters and will not be discussed in detail here. The point being made here is despite the appearance of a Confucian turn and the Party being more sympathetic to Confucianism, Xi in this speech was firmly reiterating that the official guiding ideology of the Chinese state remains Marxism-Leninism.

This emphasis on Marxism would seem hard to reconcile with the rampant nationalism contained in the speech, in the form of traditional Chinese culture mentioned in paragraphs four to nine, and the numerous nationalistic references such as ‘the great rejuvenation of the Chinese nation’ (para 11, 13), ‘brave and hard-working Chinese people’ (para 12), and the need for a ‘total re-unification of the country’ and ‘the Chinese nation would not tolerate even not one inch of our great motherland being lost’ (para 23). Eric Hobsbawm states that there is an inherent theoretical contradiction between Marxism and nationalism, as it is impossible for the

formation of national communities to engender a historic engine for the generation of socialism (Hobsbawm 1977, p.12). Benedict Anderson, however, states that nationalism has immense political appeal to the people despite its philosophical poverty and indeed, incoherence (Anderson 2016, p. 5). It is therefore not unusual for Marxism to morph into nationalism once a Marxist party has taken control of the state, especially if the Marxist state has some issues of legitimacy. This would support the view of Hobsbawm (1977, p.13) that Marxist states have a tendency to become nationalists both in form and substance, and that this would likely to continue. It seems almost inevitable, then, that the Party has turned towards nationalism given the diminished relevance of Marxist values in the daily lives of the Chinese populace. Given the dominance of Confucianism in Chinese culture which means that Confucianism is always likely to be, and has in fact been, used as an assertion of Chinese cultural identity, this nationalist turn can appear to be a Confucian turn.

Notwithstanding the insistence of Xi that the Chinese state remains a socialist state, the emphasis on nationalism does seem to suggest that this is the main focus of legitimation for the Party's rule. This is very much in evidence in paragraph 13, where Xi claimed that history has proved that only socialism can save China, and only the development of socialism with Chinese characteristics can achieve the great rejuvenation of the Chinese nation. There is no mention of the Party specifically in this paragraph, but it is Xi's assertion that one of the Chinese characteristics in socialism is the rule of the Party (para 26). In fact, the whole speech seems to be leading to the proclamation and legitimation of the Party's natural right to rule in paragraph 26. Here, Xi stated boldly that the leadership of the Party is the fundamental feature of socialism with Chinese characteristics, and that this feature is the best guarantee for the rejuvenation of the Chinese nation.

The question must be asked as to what ‘Chinese characteristics’ were being appealed to for the legitimization of Party’s natural right to rule. In the boarder context of the speech which focused on Chinese cultural traditions, it is likely that the ‘Chinese characteristics’ of socialism referred to Chinese traditional legitimacy concepts. This is likely to be an implicit appeal to traditional Legalist/Confucian concepts, that of the mandate of heaven. Of course, the Party is unlikely to be explicitly claiming an outmoded concept of legitimacy granted by heaven. Xi’s assertion that only the Party can deliver the stability required for rejuvenation of the Chinese nation due to the uniqueness of Chinese culture, however, does sound suspiciously that he was invoking a metaphysical entity. It is hard to make a valid case that Marxist historical determinism is a special Chinese characteristic, so that would rule out that it was a metaphysical Marxian historical process that was being invoked. Furthermore, given the emphasis on the uniqueness of Chinese culture, it is not too far-fetched to see this as Xi’s assertion of the ‘will of heaven’ (*tian ming* 天命) for the natural right to rule, which was the basis of legitimacy during the imperial era. The reference to the need for a unified state invoked the traditional concept of the great unity. Such implicit appeals to traditional legitimacy concepts, both as legitimation and self-legitimation efforts, can have a certain resonance with the people due to the lingering influences of these concepts in contemporary Chinese society as discussed in chapter Three.

7.6.3/ The Confucian Turn as a Nationalist Turn: A Short Conclusion.

This speech referenced Chinese traditions and then later went on to promote the Party as the natural ruler of the Chinese state and the only actor capable of the task of rejuvenating the Chinese nation. While the promotion of the Party’s virtues and nationalism are not new, the appeal to Chinese traditions, including the passing mention of Confucianism, is a departure from the speeches of previous leaders, including Xi’s speech to the NPC in 2013. This traditional turn can be seen as evidence that the Party is aware of that relying on Marxist ideals

and values may not be sufficient for the legitimation of the Party. That the appeal to Chinese traditions in the promotion of nationalism is taken as a Confucian turn is not surprising, as Confucianism has influenced, if not shaped, most ideas for the best part of two millennia during the imperial era. This is especially evident in the part of the speech, which although made no direct references to either Confucianism or Chinese cultural traditions, nevertheless implicitly invoked traditional Legalist/Confucian concepts of legitimacy of the mandate of heaven and the great unity.

7.7/ A Short Summary of the Four Texts Examined So Far.

Given the length of this chapter, which was split into two linked chapters to avoid being overly unwieldy, it is useful to briefly sum up the findings so far before venturing on to the last two texts. The Confucius Institute, set up in 2004, was firm evidence that Confucius, and by extension, Confucianism, was once again viewed by the ruling order in a sympathetic light. In itself, this is not unusual for a Chinese regime, but given the history of anti-Confucian stance of the Party, it can be viewed as evidence on the diminished relevance of Marxist values in the daily lives of the Chinese populace, and the Party's response to this challenge in its legitimation efforts. The 2008 Beijing Olympics Opening Ceremony conveyed a similar message. Both events suggest that the Confucian turn is focused on nationalism with the conflation of traditional Chinese culture and Confucianism, and with Confucius and Confucianism used as assertions of Chinese cultural identities.

Xi's speech at an Official Confucian Gathering in 2014 continued on a similar theme of using Confucianism as an umbrella term for all Chinese cultural traditions, and the pushing of a nationalist agenda in a gathering of Confucians would add support to the notion that

Confucianism was being used at the forefront of a nationalistic drive. The last of the four texts, Xi's Speech at the First Meeting of the 13th National People's Congress, shows the difficulties of trying to disentangle Chinese cultural traditions from Confucianism given its dominance in Chinese thought for nearly two millennia. The main focus of the speech was to promote the notion that due to the uniqueness of Chinese culture, which includes the idea that the country must be unified, the Party is the only candidate capable of rejuvenating the Chinese nation. Both speeches invoked nationalism as the centre of the Party's legitimization efforts. While the second of the two speeches rarely referenced Confucianism directly, the 'Chinese characteristics' which Xi proclaimed as the natural right of the Party to rule, seem likely to be appeals to legitimacy based on Legalist/Confucian concepts of legitimacy.

The form of Confucianism invoked in all four texts was unclear, as it was the ideas of Confucius and Confucianism as symbols rather than Confucian ideas that were being invoked. This, plus the conflation of Chinese cultural traditions with Confucianism would tentatively suggest that the strand of Confucianism invoked is of the folk variety. The analyses of the four texts also indicate the Confucian turn is based on using this strand of Confucianism as an icon of Chinese cultural identity, and the term is often used to include all Chinese cultural traditions. In this context, the Confucian turn is a nationalistic drive with appeals to traditional Chinese culture under the umbrella term of Confucianism. This turn towards nationalism and the invoking of the century of humiliation narrative, would be helped by a symbolic Chinese identity to raise patriotic feelings of the Chinese populace. Ideally these symbols should not, however implicitly, question the right of the Party to rule unchallenged. Folk Confucianism seems to meet these criteria. Confucianism, due to its long history of hegemonic status in China, seems to be embedded within Chinese culture and most associated with China. Folk Confucianism, with its emphasis on respect for authority and the ruling order, but without any reciprocal

requirements by the ruling order, would seem to fit the needs of the Party. Given these factors, it is not surprising that Confucius and Confucianism are being used as expressions of Chinese identity, and that folk Confucianism is being invoked by the Party in the Confucian turn.

Chapter 8/ The Nature of The Confucian Turn: Part 2.

The chapter continues the analysis of the elite discourse with references to Confucianism to clarify the nature of the Confucian turn. The findings so far suggest that the strand of Confucianism being invoked is likely to be folk Confucianism, and that this is being used to include all Chinese cultural tradition as an assertion of Chinese identity as part of a nationalistic drive. The further analysis of two texts in this chapter, a speech by Xi on the moral qualities of cadres and an article with a collection of Xi's quotes, will further support these findings.

8.1/ Xi on the Need for Moral Qualities in Party Cadres.

This is an analysis of the speech by Xi on the moral qualities that Party officials should possess for the good governance of the state. The speech is titled 'Strive to create a team of high-quality, loyal, scrupulous and responsible cadres (努力造就一支忠诚干净担当的高素质干部队伍)' (Xi 2019). Although the speech is concerned with the moral qualities of party officials rather than private individuals, it gives a good indication of the ethical values officially espoused by the Party, and how they relate to traditional Chinese culture and Confucianism.

This speech in 2019 was given in the midst of the longest anti-corruption campaign which began in 2012 at the start of the Xi leadership, with no signs of abating. Pei (2018, p.216-217) states that the anti-corruption drive is the most ferocious and sustained since 1949, but that its success in curbing corruption may be doubtful. The political context to bear in mind is the constitution was changed the previous year to remove the two-term limit for the presidency of the PRC, allowing Xi to remain leader for life if he can sustain his grip on power (Cabestan 2018, p.1). The two-term limit was introduced under the direction of Deng, to counter against over-concentration of personal power by individual leaders (Shirk 2018, p.22; Zhang 2011, p.

674-675). Jean-Pierre Cabestan states that there was opposition both within the Party and wider society to Xi's removal of the two-term limit (Cabestan 2018, p.4). The appeals to traditional morality, especially in terms of loyalty to the leader, may be seen in this context.

Xi stated early in the speech that history is the best teacher and textbook on the rise of fall of ruling orders (para two). This is a reference to the famous quote, 'using history as a mirror will reveal the rise and fall of dynasties' (以史為鏡，可以知興替) (*Tang Yu Lin* 唐語林, No Date) by the emperor *Tang Taizong* (唐太宗 CE 598-649, reign CE 626-649). Xi also stressed that the Party is very much based on the ideology of Marxism, although it is open to the lessons of history, and will not cut off the valuable historic heritage ranging from the ideas of Confucius to Sun Yat-sen. These are, once again, good indications that the use of Confucianism is in the context of appealing to traditional Chinese culture. This can also be seen in paragraph three, where Xi quoted a series of Chinese thinkers from the Mohist and Legalist schools, as well as Confucianism, on the importance of selecting the right people to positions of power. The realisation of the Chinese Dream to rejuvenate the Chinese nation depends on a team of loyal, uncorrupted, responsible and high-quality cadres (para four).

8.1.2/ Personal Cultivation.

Xi stressed on the importance of personal morals of officials. Although he said that good officials are the results of selection, rigorous management and control in paragraph 18, he stressed that personal virtues are more important than mere abilities in paragraph six, that a person with ability but lacking in personal virtues or political awareness is dangerous to the state; the higher the ability, the greater the damage. These statements were supported with a quote from *Comprehensive Mirror in Aid of Governance*, *Zizhi Tongjian* (資治通鑑), that a

gentleman uses his ability for good, the villain uses his ability to do bad (君子挟才以为善, 小人挟才以为恶) (Sima, No Date). Xi in the same paragraph also quoted from the same source that history has shown that the fall of dynasties and families are results of corrupt officials of the state and the prodigal sons of families all having abilities beyond their personal virtues (古昔以来, 国之乱臣、家之败子, 才有余而德不足, 以至于颠覆者多矣).

Xi also stated that the first criterion for the selection of officials is political requirement, whether the person has sufficient political consciousness and is firm in their political beliefs, and that the most important aspect of a Party member is the personal cultivation of political virtues (para five). The conflation of political awareness with personal virtues is interesting. Candidates for positions of power must show sufficient political virtues, which are loyalty to the Party and people, staunch support for the ‘four awareness’ (四个意识) and ‘four self-confidences’ (四个自信), uphold the authority of the central leadership and faithfully implement the theory, practices and policies of the Party (para six). The four awareness are: Political awareness (政治意识), awareness of the bigger picture (大局意识), core awareness (核心意识) and consensus awareness (看齐意识). The four self-confidences are: Self-confidence in the path of socialism with Chinese characteristics (中国特色社会主义道路自信), ideological self-confidence (理论自信), system self-confidence (制度自信) and cultural self-confidence (文化自信) (Shi 2020). These are now usually augmented with ‘two upholds’ (两个维护) in the elite discourse (for example, Qi 2019; Shi 2000). The two upholds seek to uphold Xi position as the core of the Party and to uphold the authority of the central leadership (Yang 2020). Political virtue is thus being defined by Xi as loyalty to him and the Party, with self-sacrifices where necessary for the sake of the bigger picture, and keeping faith in the system.

Xi reinforced the idea that the correct political virtues are first and foremost being loyal to the Party, sharing the Party's concerns, and fulfilling all duties to the Party in paragraph 17. There are others on the list, such as serving the people, defending territorial integrity, but Chinese literary tradition usually places great importance on the hierarchy of words and lists, and the first three criteria of political virtues all relate to being loyal and obedient to the Party strongly suggest that if these are in conflict with the other criteria, than the Party's needs would take precedence.

To be clear, Xi was not stating that ability is not important, as he made clear in paragraph eight that although virtue is the first necessity trait of officials, it is not by itself sufficient, but must be combined with ability. The point he was stressing is that without the personal cultivation of virtues, in the form of political consciousness, ability by itself can threaten the stability of the state, or at least the party-state in its present form. The emphases on the need for absolute loyalty to the Party, and by extension, the leader of the Party, can also be seen as being consistent with the stereo-typical image of an authoritarian Confucian hierarchy discussed in chapter Six. That said, all authoritarian states, from the pre-enlightenment absolute monarchies of Western Europe to Nazi Germany and to present day North Korea, tend to place great emphasis on absolute loyalty to the head of the ruling order, so this requirement of party officials to be loyal to the Party is not an exclusive Chinese traditional or Confucian trait. However, the fact that the traditional Chinese culture in general, and Confucian ethics in particular, throughout the imperial era have been used to support the concept of loyalty to the ruling elites means that the Party can make the claim under the guise of Chinese exceptionalism which can make the legitimation story easier to accept. The appealing to a Confucian concept of personal cultivation of loyalty to the leadership without qualifying the need for reciprocal

arrangements, such as those cited in *Mengzi*, would suggest that this is invoking a form of folk Confucianism.

8.1.3/ Lack of Confidence in the System.

The pick and mix of proverbs from different schools of traditional Chinese philosophy to highlight the need for personal virtues in officials may be an indication that Xi was aware that there was some dissent on the party line and abuses of power by some Party cadres, but lack the confidence that the system can remedy these issues. Xi stated in paragraph eight that since the 18th National Congress of the CPC, numerous officials have been investigated, and many were still under investigation. Some officials hide their crimes well, but can still be flushed out by careful surveillance. These officials would publicly support the four awareness, but would privately discuss the central leadership in an arbitrary manner contrary to the party line (妄议中央). The idea that private discussions of the central leadership is a crime, combined with the case of Sun Lijun (孙力军), the former Deputy Minister of Public Security, suggest that the Party is appealing to folk Confucian concepts of respect and loyalty to rulers, with hints of imperial grandeur being conferred on the leader. Sun was charged in April of 2020 with, among other things such as the serious breach of party discipline and the law, and of ‘not showing sufficient respect and fear’ (不知敬畏) (BBC 2020 c). It is not clear to what or whom Sun was deemed to have shown insufficient respect and fear, but it surely cannot be disrespect for party discipline or the law as this would be a tautology given that serious breaches of these were already on the charge sheet. This charge is very much reminiscent of the crime of ‘great disrespect’ (大不敬), or lese-majeste in Western terminology, against the emperor during the imperial era.

Imperial pretensions aside, the fact that Xi has called for a greater need for personal virtues rather than to look to a systemic remedy to these issues reveals weakness in the present mode of governance of which Xi is aware. This is not to say that the party-state has no official organisations to tackle corruption or bad governance by officials. The Central Discipline Inspection Commission (CDIC), according to Guo Xuezhi, is the organisation entrusted with party discipline and tackling corruption by officials (Guo 2014, p.597). While Yang Sheng and Zhang Han of the *Global Times*, an English Language newspaper offshoot of the People's Daily, claim that the CDIC had had purged 900 000 members and removed 400 officials from office in the decade preceding 2021 (Yang and Zhang 2022), the scale of corruption in China remains a major problem for the foreseeable future (Pei 2018, p.216-217). Systemic remedies to tackle bad governance by officials, then, seem to be ineffective despite the best efforts of the CDIC. The appeal to the cultivation of personal virtues can therefore be seen as a lack of confidence in institutional checks to solve these problems.

The insistence of personal cultivation of virtues in officials for good governance can be said to be a Confucian trait. Mou (1988, p.184) states that whereas Western, for which read liberal, political theories depend on systemic checks to prevent potential abuses of power, Confucian politics depend on the personal virtues of the ruling elites to do so. The use of hotch-potch proverbs and quotes from different Chinese schools of thought, including Confucianism, to engender the qualities of virtue and absolute loyalty, however, is not a Confucian turn in the sense that the Party is turning to Confucian philosophy to solve its governance issues. Xi and the Party has not attempted to elevate political Confucianism in its various forms as a guiding principle. Marxism is still held as the official ideology, and the Leninist power structure with the Party at the apex are defended as necessary for the good of the country. Rather, these are appeals to Chinese traditional culture, with Confucian ethics being a major component, to

overcome some of the issues of abuses of power by officials instead of seeking systemic remedies. These appeals to traditional Chinese culture can be called Confucianism due to the Party's often use of the term to mean all Chinese traditions, but the form of Confucianism invoked is based on a version of Confucian ethics prevalent in the popular discourse in the form of proverbs or singular quotes from Confucian texts, often not in their full context. These would support the findings of this thesis so far that the Confucian turn is invoking a form of folk Confucianism.

Xi mentioned that corrupt governance was a major factor in the fall of dynasties throughout history in paragraph 20. This seems like a warning to the Party cadres that corruption on a massive scale has eroded the Party's political legitimacy. Various researches on different political systems have all indicated that corruption can erode and undermine a regime's legitimacy (Seligson 2002; Anderson and Tverdova 2003; Chang and Chu 2006; Morris and Klesner 2010). In the context of Chinese governance, despite the large number of officials arrested for corruption since 2012 (Brown 2018 p.2), corruption would remain a problem for the Party for the foreseeable future unless public bodies are reformed to limit the incentives and opportunities for corruption (Pei 2018, p.216-217). Pei (2018, p.218) puts the problem down to an enforcement-led approach without complementary preventive measures, as enforcement can only suppress corruption in the short-term if corruption is built into the power structure, which Pei contends that it is in the case of China. He also states that enforcement of anti-corruption laws is favoured by authoritarian regimes, as the leaders must enrich their supporters to sustain loyalty (Pei 2018, p.218). He goes on to state that where there are public outcries due to corruption, enforcement actions of selectively prosecuting the elite offenders will also give a perception of the regime's probity. Anti-corruption, in this context, can also be a way of dispensing of political opponents.

The problem is that relying purely on enforcement actions to curb corruption may weaken a regime's legitimacy. Wang Yuhua and Bruce Dickson assert that revealing the scandal of corruption will lead to an erosion of support for the political institutions of a state. They further argue that where the scale of corruption exceeds the public's expectations, they question the integrity of all officials, which will lead to 'informed disenchantment', and undermine support for the regime (Wang and Dickson 2020, p. 3). One prime example of this excess is the case of Zhou Yongkang (周永康), a former full member of the Politburo Standing Committee and the former Secretary of the Political and Legal Committee of the CPC Central Committee, in 2015 (BBC 2015a). It was speculated that Zhou may have embezzled up to 90 billion RMB (£9.3 billion) (BBC 2015b). Despite the vast amount, Carrie Gracie of the BBC asserts that his downfall and arrest were the results of a power struggle between Xi and Bo Xilai (薄熙来) rather than the scale of corruption (BBC 2015b).

The problem is that without allowing for a relatively free dissemination of information to bring abuses to light, or an independent judiciary with which citizens can try to remedy any injustices, it is difficult to monitor possible infringements by officials. In the absence of effective checks on the power of local or national officials, Lord Acton's maxim that power corrupts would likely hold sway (Lord Acton, 1887, para. 7). To allow for the relatively free dissemination of information or a body with conceive powers beyond the control of the Party such as an independent judiciary, however, would likely threaten the Party's absolute hold on power. The Party seems to be between a rock and a hard place in terms of corruption and the effects on its legitimacy. The scale of corruption in China, if left unchecked, would infringe on the Party's legitimacy. Anti-corruption drives, whilst good for dealing with political opponents, risk further delegitimisation by revealing the scale of decadence within the Party. Institutional

checks to prevent corruption, however, would threaten the Party's total hold of power. Read in this light, it is easier to understand the motives of Xi in calling for greater personal virtues of party cadres to overcome the impasses caused by corruption.

8.1.4/ A Brief Conclusion of the Speech.

The analysis of this speech has shown that folk Confucianism is likely the form being invoked to promote loyalty to the leader. There were also appeals for the personal cultivation of Confucian ethics in cadres to resist the temptation of corruption, which has become a major threat to the Party's legitimacy. These seem to be a desperate effort to overcome the seemingly unsolvable problem of corrupt governance without threatening the Party's hold on power. It is unlikely that appeals to personal ethics, whether of the Confucian or Western variety, can be sufficient to invalidate Lord Acton's almost universal truth about power. Some officials may be inspired by the greater good to serve the people in a righteous manner, but the history of imperial China would suggest that the vast majority would take advantage of ineffective checks on power to enrich themselves, despite having been brought up on a diet of, and then tested on, the Confucian classics in order to be eligible for power (for a more detailed discussion on corruption during the Ming and Qing dynasties, see Ni and Van 2005, and Park 1997).

The speech was aimed at party cadres rather than the masses, and so could be interpreted as a form of self-legitimation for the ruling elites to promote the self-confidence to rule, rather than legitimation aimed at convincing the people that the Party has the right to rule. The next text would be on the various quotes of Xi on the ideal ethics that the mass should follow in the party-state.

8.2/ The Importance of Familial Education in the Framing of Moral Behaviour.

This is an analysis of an article by Xu (2009) on a collection of Xi Jinping's quotes on the importance of familial settings and education for the instilling of the 'right' moral codes in the people. The 'right' morals advocated by Xi are based on a random use of traditional proverbs and quotes and which are intended to reinforce a sense of patriotism, which unsurprisingly, were also used to legitimise the present power relationship and mode of governance. A striking feature of the contents of this article is the prevalent use of patriarchal stereotypical examples of motherhood which Xi seemed to be endorsing, which can help reveal the ideal gender roles in the mind of Xi, and by extension, the elite discourse and its effect on society. That said, this is not meant to be a general sociological examination of gender roles in contemporary Chinese elite discourse, so the analysis will be limited to the construction and use of gender roles by Xi to promote nationalism and the political legitimation of the Party. The three main themes of the article to be examined are gender roles in the promotion of patriotism, traditional Chinese ethics and patriotism, and the legitimation of the Party based on nationalism.

8.2.1/ Gender Stereotyping in the Promotion of Patriotism.

In paragraph three, Xu attributed to Xi that as well as personal virtues of goodness, it is also important that individuals also possess backbone and integrity (做人, 不仅要崇德向善, 还要坚守骨气和气节). This is a normal appeal for people to show resilience and not stray from the path of righteousness, however that is defined, in the face of difficulties, and is based on the quote from a Xi speech in 2016 that parents ought to instil these traits in their children so that they can be useful to the people and the country when they become adults (cited in paragraph three). Xu, however, added the telling phrase, without support that this is from Xi, that individuals should also possess macho qualities of bravery or recklessness, depending on the

translation, (要有点男子汉的“血性”) in the same sentence. The promotion of macho man (男子汉) as a desirable moral trait, and the implied gender stereotyping which is typical of Confucian China during the imperial era, as part of the elite discourse is surprising. It certainly goes against the image of a progressive revolutionary party, which in the earlier days of its rule stated that ‘women can hold up half the sky’ (婦女能頂半邊天) (Meng 2013).

It may be unfair to attribute these patriarchal gender stereotypes to Xi given that it was Xu’s over interpretation of a view that Xi never actually expressed within the quote. However, Xu may be basing this interpretation on other speeches by Xi. Certainly, despite Xi’s proclamation of equality between the genders during a speech in 2018 (cited in para 11), Xi’s views on motherhood are very much based on a traditional Confucian patriarchal gender relationship. Xu cites a 2013 Xi speech in paragraph four, in which Xi praised the excellent Chinese cultural traditions which promote the concepts of women as virtuous wife and good mother, with the ability to serve the husband and educate the child, and to run the family on a diligent and thrifty bases (贤妻良母, 相夫教子, 勤俭持家). Xu also cites in paragraph seven of a Xi speech in 2016 when Xi used the example of the tattooing of *Yue Fei* (岳飞) by his mother (岳母刺字) to illustrate the importance of the right mothering for the instillation of patriotism. Yue Fei was a general during the Southern Song Dynasty and is traditionally considered a national hero. Folklore has it that his mother tattooed the phrase ‘upmost loyalty in the serving of the country’ (精忠报国) on his back after Yue resigned his position over a dispute about strategy with his superiors. This episode is disputed historically, but the myth of the loyalty and patriotism of Yue partially instilled by his mother is prevalent in the popular discourse (Beijing Evening News 2020).

Xi’s construction of gender roles is most probably based on traditional Confucian ethics. Sin

Yee Chan writes that although classical Confucian texts do assign a domestic role for women, the explicit subordination of women only started during the Han dynasty, which was further reinforced during the Song-Ming reformation of Confucianism (Chan 2000, p.115). Patriarchal hierarchies are, then, very much within the traditions of most forms of Confucianism, and limit the role of women as merely the facilitator of contented families to instil the 'correct' morals to the next generation. The use of the mythical episode of Yue's mother was to further stress the point that one of the correct forms of motherhood is the drumming home to sons the virtue of loyalty and patriotism, even to the point of causing pain and physical disfigurement. This single example actually involves the invocation of three Confucian ethical concepts; filial piety as well as loyalty to the ruling order and strict patriarchal gender roles. Filial piety because without Yue accepting that it was his duty as a son to obey his mother and accept the procedure, it would be highly improbable that his aging mother could succeed in tattooing him, given that he was at that stage a fully developed adult and a renowned warrior.

The emphasis on women's place as being in the home and family-orientated would seem to also imply that patriotism for a woman is limited to cultivating the necessary macho qualities in the next generation of sons with which to serve the country, and to nurture the next generation of daughters to accept this Confucian based patriarchal defined role of females. It is beyond the scope of this thesis to discuss the wider sociological implications of this appeal to Confucian ethics, and whether this appeal is the limited use of Confucian ethics for the promotion of patriotism through the home seen here, or is part of a wider attempt to reimpose the neo-Confucian misogynistic concepts of gender roles. It is sufficient to say that there is strong evidence of Xi using Confucian based gender roles to promote patriotism, and that such patriarchal based gender roles do seem to be outmoded in the modern world and with the idea of gender equality. This appeal to unacceptable Confucian values based on misogyny is one of

the dangers of the loose pick and mix use of Confucian proverbs without context. In essence, the drawback of using folk Confucianism as an intellectual basis for part of the legitimization story.

8.2.2/ Traditional Chinese Ethics and Patriotism.

Xi spoke on the importance of the home environment and parental influences on the personal cultivation of virtue, and quoted from classical Chinese texts that to love a son is to teach him how to be virtuous (爱子，教之以义方) and that to love a child without instilling virtue is to harm the child (爱之不以道，适所以害之也) in a speech in 2016, which Xu cites in paragraph two. The first quote is from *Zuo Zhuan* (左傳) (Chun Qiu Zuo Zhuan, Yin Gong, 3rd year of Yin Gong), and the second from the *Zizhi Tongjian* (資治通鑑). Xi also stated in a speech in 2015 that family virtues help the cultivation of personal ethics which would create a virtuous social norm that promotes the excellence of traditional Chinese culture and reinforces political virtue in the Party (cited in para three).

In a further speech in 2015, Xi stated that the roles of familial norms and education are to improve the historical sense of mission and responsibilities, place the happiness of the family within the context of strong and rich country and place equal importance on personal dreams and the Chinese Dream for the rejuvenation of the nation, to act consciously to realise the developmental aims of the Party and the country (cited in para six). Xi also stated in 2017 that the family can only exist if the country exists, and in 2016, fired off a list of proverbs relating to how familial affairs ought to be conducted, stating that these are the excellent traditions of the Chinese nation, which are etched in the hearts and infused within the veins of the Chinese people (cited in para six). He added in the same speech that these familial norms are the

spiritual foundation for the continuation of the Chinese nation. The proverbs that Xi listed are respect the elderly and care for the young (尊老爱幼), virtuous wife leads to a contented husband (妻贤夫安), benevolent mother and filial sons (母慈子孝), friendly elder brother with respectful younger siblings (兄友弟恭), a family heirloom of farming and literary learnings (耕读传家), diligent and thrifty running of the home (勤俭持家), learned and respect the rituals (知书达礼), law-abiding (遵纪守法) and domestic harmony leads to prosperity (家和万事兴).

These quotes are strong evidence that Xi was appealing to traditional Chinese ethics, here in the context of ideal familial norms, rather than Marxist values, as the guiding morals for the personal behaviour of individuals. The Confucian tradition of domestic virtues leading on to politics has a long history in China, and this will be discussed first. The rest of the proverbs used will be discussed later. The relationship between the home and the state is an important theme in Chinese traditional culture, as is the framing of morals based on familial educations. The Confucian concept of an ideal learned scholar is one who is able to first cultivate personal virtues, then regulate their family, followed by the governance of a state before pacifying all under heaven (修身齐家治国平天下). This is a shortened summary taken from the *Great Learning, Book of Rites*, which also deals with the need to acquire knowledge through the studying of things (致知在格物) and the cultivation of a virtuous mind after gaining knowledge (知至而後意誠, 意誠而後心正), before the step of personal cultivation of virtues (心正而後身修) (Liji, Da Yue 2, No Date). It is interesting, though, that when referencing the concept by stating that people ought to implement self-cultivation and regulate the family (把修身、齐家落到实处, cited in para six), Xi skipped the rest of the steps, even of the shortened version, regarding ruling the state and pacifying all under heaven. This seems to imply that all self-cultivation of personal virtues and familial norms should be used to serve the country under

the rule of the Party. Ordinary people should not harbour the delusion that they have any opportunity, however slim, to govern the state, much less pacifying all under heaven. This is an indication that appeals to patriotism, whether indirectly through Confucian family values or other means, are really calls to support the Party's sole right to rule. This will be discussed in more detail in the next section titled 'Patriotism and the Legitimation of the Party'.

There is an odd proverb in the list of proverbs used by Xi in his construction of the ideal familial norms. What seems odd is that 耕读传家 (family heirloom of farming and literary learning) is included in the list of proverbs used. Given the vastly different social conditions of present-day China with the agrarian economies of the past, it is hard to see what relevance farming has to do with the vast majority of Chinese homes. During the time where the ideal family unit for the majority of the population in an agrarian economy is based on 男耕女織 (husband farms while the wife weaves), the proverb may have been relevant; farming to produce the necessities for subsistence, and learning as a means of upward social mobility. There are two ways to read why Xi decided to use this proverb. The first is the very unlikely scenario that Xi was preparing to realign the Chinese economy into a small-scale agrarian economy (小農經濟), or second, the far more likely explanation that Xi was simply throwing out a random list of proverbs relating to familial conducts in support of a well-order society based on Confucian family values, and he, or his speech writer, simply included an irrelevant one on the list. This careless use of Confucian ethics without context is a very strong indication that the form of Confucian being invoked is folk Confucianism.

The other proverbs on the list are mostly based on Confucian family hierarchies, which if adopted, would of course lead to a more stable society, but it is hard to see why they are prerequisites for a strong and prosperous country. It is not fully clear, for example, how a

virtuous wife and contented husband (妻贤夫安), or friendly and respectful siblings (兄友弟恭) will necessarily lead to a strong and prosperous country, or even that they are necessary conditions. It is likely that those proverbs are used to promote the idea of a well-ordered hierarchy, which makes the rule of an authoritarian party easier to accept. The evidence here is that the fundamental appeal is to nationalism given the numerous references to the excellence of Chinese culture and the need for a well-order hierarchy for the rejuvenation of the Chinese nation, and the use of random proverbs based on Confucian ethics that can support the idea of a hierarchal power structure. The quoting of Confucian proverbs in an appeal to nationalism makes the relationship between nationalism and Confucianism clear; the notion of Confucianism which encapsulates all Chinese tradition as an expression of Chinese identity. The random use of Confucian influenced proverbs and the incomplete use of Confucian ideas would also strongly support the findings so far, that a form of folk Confucianism is being invoked in the Confucian turn. These points were discussed in the analysis of previous texts, and are reinforced here.

The Confucian linking of the ideal familial norms with politics is the rationale of Xi appealing to Confucian family ethics in support of nationalism. Despite the antagonism towards Confucianism by left-leaning intellectuals since the May Fourth movement, and the outright suppression of the philosophy during the Cultural Revolution, Confucianism, or at least, Confucian influenced ethical traits, remain embedded within Chinese society. Yao Xinzong states that Confucian ethics are implicit in the structure of Chinese communities, families, society and the state (Yao 1999, p. 31). While it may seem at first absurd to argue that a Marxist state with its stated post-enlightenment values of emancipation and the equal moral worth of all people share the same ethics with a politically 'reactionary' philosophy based on strict hierarchies and literary meritocracy, there are indeed similarities in that the Chinese party-state

is also based on the strict hierarchies of democratic centralism.

The repression of sexual desires until the reforms in China, which had an almost puritan sexual outlook, is also shared with Confucian ethics. Indeed, David Nivison asserted far back in 1972, at the height of the anti-Confucianism during the Cultural Revolution, that, in practice, there are striking similarities between Chinese Communist and Confucian ethics (Nivison 1972, pp. 207-230, cited in Yao 1999, p.31). Given that Confucian ethics are embedded within Chinese society, it is not surprising that the Party would choose to draw inspirations from Confucianism in their legitimation stories. If legitimacy is taken to be the acceptance by the ruled of the legitimation stories being told, then it makes sense to base legitimation stories on Confucian ethics which are already common in society. Note that this is not a Confucian turn in the sense that the Party are turning towards a system of political Confucianism to mitigate some of the issues of misgovernance, but only in the context of appealing to those Confucian ethics that can support their present mode of governance. This Confucian turn, and the strand of Confucianism that is being invoked, then, can be reasonably described as distilled Confucian ethics, or in essence, folk Confucianism.

8.2.3/ Patriotism and the Legitimation of the Party.

The article is littered with references both to virtues of patriotism and loyalty to the Party. Xi stated in a speech in 2017 that the home cannot exist without a country, and without peace within the borders, there cannot be security over ten thousand⁹ families (国才能有家，没有国境的安宁，就没有万家的平安) (cited in para six). The virtue of great loyalty to serve the

⁹ Ten Thousand is used here to denote 'all' or 'many'. There is a tendency in Chinese language to use 100, 1000 and 10000 as adjectives to mean numerous.

country (精忠报国) was mentioned in a speech in 2016 (cited in para seven), and the need to nurture patriotism by the moral education of youths mentioned in a speech in 2007 (cited in para six). The purpose of these calls to love the country, however, are attempts to conflate the Party with the state, so that patriotism is expressed as love of the Party. This is made clear by Xi in a speech in 2017 to ethnic minorities in Xinjiang, in which he stated that people should aspire to love the Party and the motherland, to be the model of loving the great Chinese family [of multiple ethnicities] and to create a better tomorrow for Xinjiang under the leadership of the Party (cited in para eight).

The appeal to patriotism through the use Confucian family values is also an appeal for legitimization based on stability. The idea that security of the family home depends on peace within the border does not make sense when the Chinese state is under no threat, imminent or potential, of foreign invasion, unless the ‘peace’ is used in the context of internal threats to stability. It is arguably true that there are no viable alternatives to the Party at present, and the forced collapse of the Party will likely lead to a power vacuum and a period of chaos and instability. If this were to happen, however, it would be due to the Party’s refusal to even contemplating to peacefully relinquish its monopolising of power, and not some inherent trait of Chinese culture or politics. The democratisation of Taiwan during the 1980s first instigated by Chiang Ching-kuo and continued by Lee Teng-hui showed that it is possible, even within a Chinese society, to have a peaceful and orderly transition from an authoritarian regime to a more democratic structure if the ruling order has the political will to do so (Jacobs 1993, pp. 120-123). The phrase ‘even within a Chinese society’ in the previous sentence is not to denigrate the Chinese people in anyway, but used to counter the Party’s claims that due to the uniqueness of Chinese culture and history, representative democracy is not an appropriate mode of governance. Taiwan is mainly populated by ethnic Chinese with Chinese cultural traditions,

has the official name of ‘The Republic of China’, and is still claimed by the Party as a renegade province of the People’s Republic of China. The claim that Chinese cultural tradition or history somehow prohibits the successful implementation of representative democracy is therefore invalid.

The successful use of Confucian ethics to promote patriotism for the legitimization of the Party depends on the people’s acceptance of the narrative put forward by the Party that it is the past and future saviour of the Chinese state. The narrative being expressed in this text, although clear, is somewhat subtle when compared with claims made in other speeches. For example, Xi boldly proclaimed in a speech to commemorate the centenary of the May Fourth Movement in 2019 that it is the duty of every Chinese to be patriotic, which in contemporary China means love of the country, the Party and Socialism. The New Era Chinese youths, must therefore, obey the words and follow the footsteps of the Party (cited in People’s Daily 2019). Patriotism in the context of the socialism with Chinese characteristics for a new era, then, is more than the love for the country, but of the Party first. More striking still is the point expressed at the same speech that the New Era youths must be ‘grateful’(感恩) to both the Party and the country. The English translation to ‘grateful’ does not fully convey the significance of the term ‘感恩’. In its Chinese context, it has imperial connotations, for it denotes the grace bestowed to subjects by the emperor during the imperial era. In this light, it implies that the Party is projecting itself as ruling from a height, bestowing favours on its subjects in the form of peace, stability and prosperity, for which the subjects ought to be loyal and grateful. This is in line with ethics of traditional and neo-Confucianism, but very far from the stated position that power belongs to the people in the current Chinese state.

8.2.4/ A Short Summary of the Speech

It is clear from this collection of quotes from Xi that the use of Confucian gender roles is for the promotion of nationalism and loyalty to the state, which is consistent with the findings so far that the Confucian turn is a nationalist turn with Confucianism used as an expression of Chinese identity. What is also made clearer in this article is the promotion of Confucianism is confined to the social sphere without intruding onto the political structure. That is, while traditional Confucian ethics and norms are being used to promote patriotism and loyalty to the ruling order, there is no reciprocity to hold the regime to account with Confucian ethics. This incomplete use of Confucianism would support that it is folk Confucianism that is being invoked.

That the Confucian turn is based on the pick and mix use of Confucian ethics to support the rule of the Party is well supported by the texts examined in this chapter. Whether it was intentional or an unintended error, this pick and mix use of Confucian ethics has also resulted in the promotion of misogyny in the Party's legitimization efforts. This may be one of the reasons why this limited Confucian turn does not seem to enjoy unanimous support within the elites. Li Xiangjun and Luo Zhongyou, professors at the School of Marxism, Shandong University, for example, wrote in the Party journal *Hongqi* that the spiritual aspirations of the Chinese people were suppressed by the feudal nature of traditional Chinese culture. They further added that Marxist ideology had enable the Chinese people to correctly understand the world and themselves, and which had liberated their spiritual aspirations (Li and Luo 2020). In that context, the promotion of values which confine half of the population to the role of only home-makers and child bearers does seem like a suppression of their aspirations. For such dissenting views to be published in a Party journal would suggest that these views are shared by at least some influential figures or factions within the Party, otherwise it would be

inconceivable that it could be published in such manner, given the Party's tight control of the discursive space. That said, this dissent in the elite discourse is not an indication or being used as support to claim that there is an impending power struggle within the elites, but to simply highlight that the appeal to traditional Chinese culture does not enjoy unanimous support within the elites, and that some are uncomfortable with the emphasis given to Chinese traditional culture at the expense of Marxist values.

8.3/ Conclusion.

This conclusion will encompass discussions from three closely linked chapters: Chapters Six, which looked at the five main strands of Confucianism, and chapters Seven and Eight, which examined the nature of the Confucian turn. This section will also draw together the main points discussed so far in this thesis, which are the Party is suffering from legitimacy deficit in its present mode of governance, and its use of Confucianism is unlikely to remedy these issues. This would suggest the Chinese nation is still searching for an appropriate legitimisation ideology suitable for a modern Chinese state. The next chapter will conceptualise a form of Confucian democracy as a suitable ideology for the legitimisation of a generic modern Chinese state.

The examination of elite discourse on Confucianism has shown that the Party is not promoting any particular form of structured Confucianism, but is conflating Confucianism with traditional Chinese values. In this context, then, the form of Confucianism being invoked is not any accepted form of formal Confucianism, but the very general appeals to Chinese traditional ethics, which given the hegemonic status of Confucianism throughout Chinese history, are likely to be based on Confucian texts. The form of Confucianism being invoked, therefore, is likely to be folk, or popular Confucianism. This strand of Confucianism is being used, as found in the analysis, as part of a nationalistic drive aimed at the sustaining of power. The overriding message is that the Party has saved the country, and only the Party can deliver the promise of future greatness of the Chinese nation. The emphasis placed on traditional Chinese culture has made Confucianism more prominent in the legitimacy discourse, but the turn is based on nationalism, with folk Confucianism being used to represent all Chinese cultural traditions as an expression of Chinese identity.

Hence, to the extent that the Party is turning to Confucianism, then this is very much the almost inevitable result of the use of nationalism in the form of traditional Chinese culture for legitimation. What is being promoted is not Confucianism *per se*, but Chinese exceptionalism expressed in the form of the catch-all term of Confucianism, as it happens to be the most recognised of Chinese philosophies. The emphasis is on Confucianism being a *Chinese* philosophy rather than a Chinese *philosophy*. This appeal to traditional Chinese traditions in the name of Confucianism also means that the nature of the Confucian turn has shifted the basis of the Party's legitimation stories. Kerry Brown argues that the rationale for the reforms, the primary stage of socialism, was to create the conditions necessary for a backward China to enter next stage of socialism, as the orthodox Marxian view is that socialism could only be developed in advance industrialised economies. Under this scheme, the appeal for legitimacy was firmly based on Marxism, and economic growth was not the end, but merely the means to the end in the creation of a Marxist society (Brown 2018, pp. 4-5). The appeals to Chinese traditions in the name of Confucianism found in these analyses of the elite discourse, however, showed that the Party is claiming its legitimacy as the inheritor and guardian of a treasured shared heritage of a proud people with 5000 years of continuous history and numerous achievements, and which they would propel to further greatness. That said, the rhetoric of Marxism is still prevalent in the elite discourse, despite its perceived diminished relevance in the daily lives of the average citizen. The conflicting nature of these legitimacy claims seem to be reflections of the inherent tensions between nationalism and Marxism, but which have not stopped the tendencies for Marxist parties to revert to nationalism once they have sized power.

While the nationalist turn has been called a Confucian turn by some scholars due to the use of Confucianism as an expression of Chinese identity, it must be stressed that the Party is invoking

Confucianism in its very general sense of Confucian ethics as part of traditional Chinese culture, which can be useful in making the people accept authoritarian rule under the guise of patriotism. The Party would struggle to incorporate Confucianism into its legitimation stories if the use of the philosophy goes beyond this very superficial invoking of Confucian ethics. Han society bears no relation to contemporary Chinese societal conditions, and the generally much higher level of education and greater mobility of the population requires rather more persuasion, or coercion, than illiterate farmers which made up the vast majority of the population during the imperial era. The historical baggage which still lingers with Song-Ming Confucianism, and especially its misogynistic tenets, and the emphasis on puritan sexual virtues would hardly make sense given present Chinese conditions. That said, the use of folk Confucianism has seen the Party appealing to the base nature of misogyny present in traditional and Song-Ming Confucianism.

These problems, can of course, be solved with sufficient coercion and control of the discourse, as can be seen in North Korea. However, if the aim is for political legitimacy, or at least, for the easier control of the population, then it makes no sense to invoke the ethics of a totally different political philosophy that can only be enforced with heavy oppression. It is easier, in other words, to stick with Marxist-Leninist values, which are at least consistent with the Party's stated values, under these conditions. The fact that there are, albeit limited, dissent with the appeal to traditional culture within the elite discourse does seem to suggest that this is an option favoured by some factions of the Party.

New-Confucianism, either of the second generation or the mainland based third generation variety, also cannot help with the legitimacy of the Party unless it decides to fundamentally change the power structure in China and relinquish its total control of power. It goes without

saying that the second-generation New-Confucians' emphases on democracy make such a philosophy incompatible with the nature of the Party's rule. However, even the mainland-based third generation version of New-Confucianism would be inappropriate for the legitimation of the Party even if the Party does tolerate its existence in the discourse. The need for a popularly elected chamber to check the power of the executive would not be in the Party's interest if it wants to maintain the *status quo*, and this also applies to the prominence given to Confucians in the power structure advocated by the mainland third generation Confucian scholars.

The invocation of values based on some Confucian texts that can help with authoritarian rule, would, however, be useful for the Party. In the absence of effective institutional checks to prevent abuse of power by officials, and were these to be set-up, such institutional checks would threaten the Party's rule, the promotion of the self-cultivation of Confucian ethics would seem like the only way to limit the damage to the Party's legitimacy caused by such abuses. These efforts would seem futile given the nature of unchecked power as stated by Lord Acton, but in the absence of any viable alternative unless the Party is prepared to give up its total hold of power, it is one that the elites are promoting.

It may seem strange that a purported Marxist ruling order may be turning to traditional Chinese culture in the guise of folk Confucianism for legitimacy. However, if it is accepted that the relevance of Marxist values has diminished in post-reform Chinese society, then the decision may not be so strange. All states feel the need for legitimation, and given that Marxism has lost much of its potential in this aspect, the use of traditional culture as part of a nationalist legitimation story makes sense. The basing of legitimation stories on nationalism, combined with a tight control of the discursive space and the use of coercive forces to crush dissent, may be useful for legitimation based on the context of Weberian legitimacy. The myths of the

century of humiliation etched into the minds of generations of Chinese people would ensure that nationalism has a ready market in contemporary China, more so if the discourse is tightly controlled so that alternative voices cannot be heard. Of course, it is not beyond the realm of possibility that the turn is a sincere attempt by the Party to fuse the ideals of Marxism and Confucianism rather than as a cynical attempt to retain power. However, the invoking of folk rather than a more coherent strand of political Confucianism, and unwillingness to incorporate this into the political structure means it is probably more correct to view the turn in a cynical light.

There are a number of options for the Party to resolve its issues of lack of normative legitimacy. The most obvious is to follow its KMT counterpart across the Taiwan Strait, and invoke democratic legitimation by initiating political reforms to accompany the hitherto successful economic reforms. It must be stressed that the normative legitimacy framework devised in chapter Two based on informed and meaningful consent is in essence, popular sovereignty, and is no more than what is already invoked by the Party itself. That said, although such a scenario is not beyond the bounds of possibility, it looks extremely unlikely given the analysis of the elite discourse conducted, and the change in the constitution to abolish the two-term limit of the head of state, which would suggest the doubling down of authoritarian rule rather than any relaxation of political control by the Party.

In the absence of democratic legitimation, the other choices are either to realign the economy to make Marxism once again relevant to the daily lives of the Chinese populace, or to reiterate empty Marxist rhetoric whilst focusing on nationalism and the continuing growth of the economy as the part of the legitimating story that can make more sense to the people. They would make the rule of the Party, if not actually legitimate when measured against the

framework set out in this thesis, at least easier with a more compliant population. The former would enable the Party to resolve the contradictions between the stated values of the Marxist part of the legitimation story and societal practices. The latter options, although still faced with the problem of a contradiction between the stated Marxist values and social practices, would mitigate against the lack of legitimacy with a more contented populace sharing a pride in the rise of the Chinese nation and enjoying ever-growing living standards.

The problem with realigning the economy to better reflect the Marxist part of the legitimation story is that such a move may damage the success of the economic reforms. It was the failure of Marxian socialism under Mao to answer the first question and which turned China into an economic basket case that had led to the economic reforms by Deng. To now roll back the reforms would seem like a regressive step, and it is doubtful whether the Chinese people, or even party cadres used to the trappings of wealth of a growing economy, would accept a return to the old days of socialism if it is accompanied by a drastic drop in living standards. Of course, any such alignment may be successful, with no downturn of the economy. That would, however, be a huge risk given the historic precedents of socialist economies both in China and in other former or existing socialist countries, and likely one which the Party is unwilling to take.

The remaining options, of retaining or even increasing the Marxist rhetoric without implementing Marxist contents, while shifting the main narrative to economic growth and nationalism in the form of the 'rejuvenation of the Chinese nation' seem to be the options taken by the Party as found in the analysis of the elite discourse. The reliance on continuing economic growth, however, is a risky strategy. Economic forecast is more of an art than a science, and growth cannot be guaranteed even at the best of times. This uncertainty is exacerbated by a trade war with the United States, its biggest trading partner.

Without an ever-growing economy, the way to make the Chinese people easier to rule rests solely with nationalism. The need for the Party to invoke Folk Confucianism as an expression of Chinese identity in its legitimation efforts, however, exposes clearly the difficulties it faces in terms of legitimacy since the reforms. The Party has a long history of hostility toward Confucianism and Confucius. Confucianism and Confucian influenced traditions were once vehemently denounced by the Party as remnants of ‘feudal poison’, and there was a total repudiation of China’s Confucian feudal past during the Cultural Revolution. Furthermore, the Party in its formative years owed much of its ideological underpinnings to the May Fourth Movement. Two of the Party’s founder members and leaders were also prominent activist of the Movement, as already discussed, blamed Confucianism for all the ills of China. For the Party to revert to traditional cultural values and use Confucianism as expressions of Chinese identity, then, shows the Party’s lack of better alternatives in its efforts of legitimation.

This latest attempt to use Chinese nationalism to mitigate a regime’s deficiencies by fusing Chinese traditional culture and Western ideas to bolster the fading legitimacy of the ruling order is not novel. The combining of a Western political theory in the form of Marxism with traditional Chinese culture, or as the current regime would call it, socialism with Chinese characteristics for a new era, seems no more than a variation of the late Qing concept of *ti yong*. The irony is that despite the calls to Chinese exceptionalism, the essence (*ti*) is now based on the Western concepts of Marxism, with Chinese traditional culture in the name of Confucianism very much relegated to the *yong* (use). These, however, cannot be considered legitimate on normative legitimacy schemes based on the concept of popular sovereignty, which is the Party’s official position as has already been shown in earlier chapters. At best, these attempts at legitimation can mean the people are easier to rule, rather than conferring any political

legitimacy on the Party's authoritarian rule.

That Confucianism is not helpful in the legitimation of the Party is not to say that some form of political Confucianism cannot form the basis of legitimation stories for a modern Chinese state which would pass the test of legitimacy criteria set out in Chapter Two. The next chapter will propose such a Confucian framework of legitimacy.

Chapter 9: A Viable Legitimation Story Based on Confucian Democracy.

9.1/ Introduction.

The search for a viable alternative mode of governance since the end of the imperial era has largely been unsuccessful. The early failed experiment with liberal democracy, to a Confucian based constitutional monarchy, to the authoritarian vanguardism of the KMT and then the disaster of the first part of the CPC rule have all been found wanting, and unable to answer the first question posed by Williams. The Party since 1978 has successfully answered the first question by the use of capitalistic market reforms, but at the expense of discarding some fundamental values of Marxism in practice if not in name, which can make the legitimation story hard to make sense of. Furthermore, the mode of governance of the current regime failed the test of normative legitimacy posited in Chapter Two. There is, therefore, a need for viable legitimation stories for a modern Chinese state.

This chapter will propose both a legitimation story that can make sense to the people, and the conditions by which such a legitimation story can allow the people an informed and meaningful choice whether the stories do in fact make sense. This is the legitimation story of Confucian democracy. As discussed in previous chapters, there are some Confucian ethics which are embedded within Chinese society, so there are reasons for optimism that a legitimation story based on Confucian democracy could make sense in a realist scheme of legitimacy. As Xu Keqian points out, the path to a democratic modern Chinese state will be smoother if the roots of democracy can be found within traditional Chinese culture (Xu 2006, p. 135). This legitimation story of Confucian democracy has the added benefits of acting as the base for alternative legitimation stories to be tested whether they meet the BLD in a way that people can make sense of by an informed and meaningful choice. Confucian democracy, then, can

serve as the legitimation story in an ideologically confused Chinese society, and confer democratic legitimation on alternative or additional stories once society has moved beyond this stage.

Although the values underpinning the proposed legitimation scheme may be compatible with liberal ideas, these values will be drawn exclusively from classical Confucian texts. So, while the proposed legitimation scheme may be considered a convergence of ideas between liberalism and Confucianism, there are no direct liberal influences. The decision to draw exclusively on classical Confucian texts rather than including later interpretations is due to that it is impossible not to delve into contrived arguments to make either the traditional or Song-Ming interpretations, with their appeal to a metaphysical heaven for political legitimacy and an emphasis on strict social hierarchies, compatible with the concept of popular sovereignty where the ruled have a meaningful choice. Another reason for not considering later interpretations is that although the first and second generation of new-Confucianists such as Xiong Shili, Mou Zhongsan, Xu Fuguan and the overseas third generation of new-Confucianists such as Tu Weming all contend that Confucianism is compatible with democracy, there are hints of direct liberalism influences on their constructions of Confucian democracy (Elstein 2015; Makeham 2003; Tu 2002; Xu 1983). More contemporary scholars sympathetic to the idea of Confucian democracy also tend to either try and add liberal influences onto Confucianism, or construct a Confucian democracy on the basis of Confucian ethics and the assumptions about human nature to make it compatible with democracy (for example, Ackerly 2005, pp. 553-554, but also see Tan 2012, pp.295-296). This chapter will interpret Confucianism on a different basis and will show that there are sufficient clear statements within the classical texts which could be used to construct a theory of Confucian democracy.

It must be stressed that it is not being argued here that a fusion of the best traits of liberalism and Confucian thoughts is not desirable or necessarily ‘wrong’. This chapter, however, is making the case that it is not necessary to draw from liberal ideals for a legitimization scheme suitable for a modern Chinese state. This is also to counter the present arguments against democracy in China by the use of nationalism. The Party has conflated Chinese culture and Confucianism and makes the assertion that due to unique Chinese conditions, ‘Western’ concepts of democracy are not suitable for the country, and that the problems of China can only be solved by using ‘Chinese’ solutions. Given the discourse of the century of humiliation, such arguments based on nationalist sentiments could have a ready market among the Chinese populace. A legitimization scheme that is drawn exclusively from classical Confucian texts would, therefore, enable advocates of democracy to state that it is also steeped within Chinese tradition.

The first part of the chapter will deconstruct the notion that Confucianism is inherently anti-democratic. The case will be made that political Confucianism is not a homogenous theory, but the different interpretations of some very contradictory tenets contained within the classical texts by different interest groups to promote certain political and social orders. This will include a discussion on the dichotomies that so often appear in the debate on Confucian democracy, for example, democracy vs ‘Asian values’ which is often portrayed as ‘Western’ versus ‘Eastern’ outlooks (for example, Kausikan 1993), and the purported contrast between the individualism of liberalism and the emphasis on the collective within Confucianism (He 2010; Bai 2008). It will be demonstrated that such dichotomies are exaggerated and dependent on very specific interpretations of both liberalism and Confucianism. The next part of this

chapter will discuss how Confucian texts can support the ideas of popular sovereignty, and how passages within the classical texts can also be used to support the idea of freedom of expression, both of which are necessary if the proposed legitimization scheme is to pass the legitimacy criteria set up in this thesis.

Note that it is not the intention of this chapter to show that the classical texts contain precise blueprints on modern democratic institutions or for a modern form of democracy. The aim of this chapter is not to argue that, for that would be an impossible task given the different conditions and expectations of people during the Warring States period and the present. It would therefore be fanciful to expect fully developed forms of democracy mentioned in the classic Confucian texts. The more modest aim is to demonstrate that these texts contain sufficient support for popular sovereignty from which to construct a legitimization scheme compatible with the legitimacy framework laid out in Chapter Two.

9.2/ The Malleable Nature of Confucianism.

Whether Confucianism is compatible with democracy or inherently anti-democratic is very contested, and there is a wide range of diverse literature on the subject (for example, Li 2018; He 2016; Tan 2012; Spina, Shin and Cha 2011; Elstein 2010; He 2010; Bai 2008; Ackerly 2005; Fox 1997; Hu 1997; Kim 1997). On one side of the argument are those who argue that the nature of Confucianism is inherently anti-democratic (for example, Elstein 2010; Fox 1997; Huntington 1991). Given the oppressive nature of institutional Confucianism throughout the imperial era, such views are entirely reasonable. Indeed, it is hard to see how the misogynistic and strict hierarchal structures based on Neo-Confucianism can in any shape or form be considered compatible with the idea of popular sovereignty, which implies the equal moral worth of individuals. Other scholars (for example, Ackerly 2005; Nathan 1990; de Bary 1983), however, have argued that some tenets of Confucianism, if not actively promoting democracy, can at least be made compatible with democratic ideals.

The interesting point is that both camps are probably correct. It may sound too much like a contradiction to state that the two diametrically opposing views can both be correct, but the problem seems to be that both sides of the argument are debating different things, albeit under the umbrella term of 'Confucianism'. One major difficulty with the debate is the loose context that both Confucianism and democracy are often used (Elstein 2010). For Confucianism is not a monolith, and the canonical Confucian texts have been interpreted to promote the different needs of various interest groups. It makes perfect sense to state that Confucianism is inherently anti-democratic, for example, Samuel Huntington's assertion that 'Confucian democracy is clearly a contradiction in terms' (Huntington 1991, p. 26), if the form of Confucianism being discussed is based on the interpretations of the traditional or Song-Ming variety. These

versions of institutional Confucianism, that is, the state sanctioned forms of Confucianism that exist to promote the legitimacy of the imperial ruling order, do not have a great record in terms of democratic values. They tend to focus on a strict patriarchal hierarchical order on the lines of emperors, officials, fathers and sons (君君臣臣父父子) (*The Analects*, Yan Yuan 論語, 顏淵) with emphasis on obedience, and base the political legitimacy of the imperial order on the mandate of heaven.

Those who contend that Confucianism is capable of being interpreted to be sympathetic to democracy, on the other hand, can also find good support within the classical texts. For example, the appeal to heaven for political legitimacy can be reasonably turned into an appeal to the people with the passage ‘heaven sees through the eyes of the people, and listens through the ears of the people’ (天視自我民視, 天聽自我民聽). This passage is contained in *Shang Shu*; *Zhou Shu*, *Tai Shi* 2 尚書, 周書, 泰誓中, and is also quoted in another Confucian classic, *Mengzi*, *Wan Zhang* 1 孟子, 萬章上. The sentiments contained within this passage can be logically interpreted to mean that mandate of heaven is really a mandate from the people. For if heaven sees and listens via the people, then its decision whether to grant or withhold the mandate to rule depends on whether the people like what they see and hear. From this basis, it is really not too great a leap to state this is a form of democracy, and that the ruling order is accountable to the people for its legitimacy to rule.

The malleability of Confucianism, and its meaning being open to different interpretations, means that it is moot to say that Confucianism is or is not compatible with democracy unless the form of Confucianism is clearly stated, as different interpretations of the texts will yield

different answers. The debate on Confucianism and democracy, however, has often been muddled as both terms are often vaguely defined. As David Elstein argues, it is not possible to talk about whether Confucianism is compatible with democracy if it is not clear what form of Confucianism and democracy are being discussed (Elstein, 2010, pp. 430-431). This problem has led Zhang Shiqiang and Zhang Shize to argue that such debates are inherently pointless as if it is not possible to have a commonly agreed definition of terms, then useful conclusions cannot be reached (Zhang and Zhang 2006, p. 10, cited in Elstein 2010, p. 428). This view may be extreme, but it does stress the importance of defining clearly the context that Confucianism and democracy are used in any discussion linking the two concepts.

Despite the acknowledgement by some scholars that Confucianism is not a monolith and the confusion that this can cause in debates unless the context of Confucianism being discussed is made clear, they still often treat Confucianism as homogenous. For example, He Baogang states that ‘Confucianism is not a monolith but rather has a variety of traditions...’ at the start of a paper (He 2010, p.18), yet later in the same paper states that ‘[F]rom a Confucian perspective, electoral democracy is full of deficiencies and flaws...’(He 2010, p.20), without specifying from which tradition that this particular ‘Confucian perspective’ is drawn. It may be that He thinks that there are some central Confucian perspectives in relation to democracy that apply to all forms of Confucianism, but if so, these perspectives should be clearly stated to add focus to the debate. Furthermore, this idea of some central tenets of Confucianism that apply to all its different forms would seem to hinder debate and limit new possible interpretations of Confucianism. While it can be reasonably argued that the concept of *ren* 仁, or benevolence, is central to all forms of Confucianism, according to Hu Shaohua, *ren* is ill-defined (Hu 1997, p .352), so the interpretation on the nature of *ren* can reasonably differ. An analogy here is with the concept of freedom. While it can be reasonably argued that freedom

is a central idea of the Enlightenment, the concept of what constitutes freedom from a Marxian perspective will be greatly different from the liberal concept of freedom.

Interpretation, then, is the key. The seemingly reasonable point that Elstein (2010, p. 431) makes that although Confucianism is open to interpretation, any interpretation that ‘either ignores or implausibly revises key beliefs and values’ should be avoided is problematic if examined closely. If this is taken to mean no more than that interpretations should not deviate from the meanings of the words quoted, then this is indeed reasonable. Even then, classical written Chinese, the original language of the classical Confucian texts, is notorious for being vague, and the lack of punctuation tends to exacerbate this problem. There is also a bigger problem in terms of the need to avoid omissions. The fact that classical Confucian texts contain many passages that appear contradictory means that it is necessary to focus more on some passages at the expense of others to arrive at coherent interpretations. This means that there will inevitably be omissions. Elstein does include a get out clause in his statement in the form of ‘implausibly’. However, what counts as implausible in terms of abstract theory and values may differ for different people. If this clause of implausibility is taken to its logical conclusion, then it may very well be argued that the traditional understanding of Confucianism as an oppressive social and political theory may be wrong. For the key beliefs and values of Confucianism are often interpretations by later Confucian scholars during the imperial era, and contain some very notable omissions. A prime example of this is the idea to elevate the emperor as the supreme being within the empire in the Eastern Han interpretation of Confucianism, in the form of the ‘Three Bonds and Six Tenets’ (三綱六紀) in *the Bai Hu Tong* (白虎通德論). This is in contrast to the notion put forward in *Mengzi* that the people should take precedence over the state, with the emperor last on the list (民為貴，社稷次之，君為

輕) (*Mengzi, Jin Xin 2*, 孟子, 盡心下), and that a ruler who is at fault can be disposed of if the advice of officials is ignored repeatedly (君有大過則諫, 反覆之而不聽, 則易位) (*Mengzi, Wan Zhang 2* 孟子, 萬章下).

This selective interpretation of Confucian tenets to arrive at certain ‘Confucian values’ is often overlooked by scholars. Elstein, for example, argues that Confucian democracy should be a system of democracy that is based on Confucian values (Elstein 2010 p, 431), but his argument that these values are incompatible with democracy (Elstein 2010, p. 440-441) is a result of omission. Elstein bases his conclusion on texts showing that Confucius and Mengzi put their efforts in convincing rulers to rule well, rather than that the people can limit the power of the rulers. However, despite his fairly extensive citing of *Mengzi* (Elstein 2010, pp. 436-439), he seems to have ignored the passage that the mandate of heaven is based on the verdict of the people as ‘heaven sees through the eyes of the people, and listens through the ears of the people’ (天視自我民視, 天聽自我民聽) (*Mengzi; Wan Zhang 1*; 孟子; 萬章上). This passage makes a strong case that Confucian texts can establish a basis for popular sovereignty.

Jason Chan also makes the case that the selective interpretation of Confucianism should be avoided in the debate on the compatibility between Confucianism and democracy (Chan 2007, p.179). Chan, however, does not seem to acknowledge that the common perception of Confucianism being anti-democratic is the result of Confucian practices during the imperial era, which were based on selective interpretations. That the core values of Confucianism have been interpreted as socially and politically oppressive for the benefit of the elites should not preclude alternative interpretations, given that the accepted ‘key beliefs and values’ were

themselves a product of selective interpretations and omissions. Hence, alternative interpretations of Confucian texts to promote democracy would be just as valid, as long as such interpretations can be supported by classical texts, do not rely on contrived arguments or need to venture into the realm of the Humpty Dumpty where words have no meaning except what the user wants them to mean.

Many of the purported dichotomies between Confucian and ‘Western’ values are the results of the comparison being made with a particular interpretation of Confucianism, rather than Confucianism in general, although this is rarely made clear. The next part of this chapter will discuss how these dichotomies are often overstated to conclude that Confucianism is anti-democratic, when in fact it is a particular interpretation of Confucianism that is anti-democratic, rather than Confucianism *per se*.

9.2.1/ The Dichotomy of East Versus West.

There is a tendency for scholars to construct the dichotomy between ‘Eastern’ and ‘Western’ outlooks, mostly in the form of ‘Asian’ against ‘Western’ traditions, which are often portrayed as democracy v Asian values. Michael Freeman states that there is a widespread belief that Asian values are increasingly challenging the Western concepts of human rights (Freeman 1996, p.352). Gerd Langguth also notes that some Asian politicians expressing similar views (Langguth 2003, p. 25). An example of this assertion of Asian values against the perceived hegemony of the West is Bilahari Kausikan’s argument that Asian states have their own traditions of governance and should not be judged on the ‘Western’ concepts of human rights (Kausikan 1993, p. 25-26). This line of argument seems to place human rights as a Western ideology unsuitable to Asian societies due to cultural differences. While it is accepted that the

West does have a lead in the development of democratic institutions, it is far too simple to state that the absence of democratic structures in most Asian states indicates that Eastern outlooks are inherently autocratic or anti-democratic.

The argument that certain cultures are not compatible with democracy is self-serving. If the people were not given a choice in the interpretation of their culture in the context of modes of governance, then what is really being argued is that the culture of the ruling elites of some Asian states are against democracy. Both Western and Eastern cultures have long traditions of autocracy, both have asserted the divine rights of rulers for long periods of their histories. Liberal democracy in the context of universal suffrage and basic negative rights are relatively recent innovations and a break in the long tradition of Western autocratic systems. It is just that the people in the West have slowly gained power and asserted rights at the expense of the elites since the enlightenment which brought forth new concepts of governance based on popular sovereignty, while the elites in some Asian states have been more successful in resisting this challenge by the masses.

This dichotomy of Eastern against Western cultures in the context of human rights and democracy, is then, overstated. It is not a dichotomy in the context of Eastern and Western cultural traditions, but only the difference in success of the people's struggle to assert political rights against autocratic orders. Much of Europe were in revolt during the mid-19th century in demands for greater political participation (Taylor 2000, pp. 146-148), while the British state brutally suppressed demands for greater representation of the people in the Peterloo Massacre of 1819 (Strittmatter 2018, pp. 191-192), before conceding some power in the Great Reform Act of 1832 (Aidt and Franck 2015, p. 505) and further concessions in the Reform Act of 1867

(Himmelfarb 1966, p. 97). It should also be remembered that the British parliament, the ‘mother of parliaments’ and a supposed role model for democratic governance, were not elected by universal adult male suffrage until 1918, and full universal suffrage until 1928 (Aidt, Dutta and Loukoianova, p.253). The notion of an inherent democratic Western cultural tradition versus an Eastern cultural tradition of despotism are therefore misrepresentations of history and cultures.

In the context of Confucianism, such arguments are likely to be pitched as the incompatibility of Chinese, or Confucian, values with Western liberal ideals. The contrast between an authoritarian Confucian political order and the liberal West is often based on the dichotomy of liberal individualism and Confucian collectivism. For example, Fukuyama quotes the late Lee Kuan Yew, former Prime Minister of Singapore, who states that the individuality that underpins liberal democracy is not suitable for Singapore, and that the Confucian concept of a well-ordered society is better suited for Asian states (Fukuyama 1995, p. 20). This would construct the Confucian order as a benevolent autocracy with a reciprocal relationship in which the ruler would rule for the benefit of the people, while the people accept the natural right to rule of the ruling order.

May Sim notes the impasse between Confucianism and human rights is the collectivism of the former when contrasted with the individualism of the latter (Sim 2004, p. 337). Sim contends that one of the ways out of this false dilemma of Asian people¹⁰ either accepting the traditional ways or embracing Westernisation is the construction of a theory of Confucian rights (Sim

¹⁰ It seems that Sim was using ‘Asian people’ in the context of societies in the Chinese cultural sphere of influence.

2004, p338). However, Sim seems to accept the interpretation that equates liberalism with individualism and Confucianism with the collective over the individual. This point of individualism being central to liberalism is also echoed by Brooke Ackerly, who expresses the view the liberal concept of self-interested, rights-bearing individuals may be the biggest barrier to democratisation among non-Western societies (Ackerly 2005, p. 548). The dichotomy of liberal individualism versus a Confucian collectivism, however, is only valid for particular interpretations of both Confucianism and liberalism. In the case of liberalism, Elstein points out that the excess of individuality is mainly a US, or an Anglo-US, take on liberalism, while the European continental tradition of liberalism places far more emphasis on the collective in the form of social welfare (Elstein 2010, p.429). In the case of Confucianism, while it is arguably true that collectivism has been interpreted as the main tenet of both orthodox and Song-Ming Confucianism, and therefore commonly accepted as a central Confucian perspective, there is sufficient support in the classical texts to interpret Confucianism as being based less on collectivism and more on personal choice.

The emphasis on personal cultivation in Confucianism would seem a good start to look for support that Confucianism is not all about collectivism. The Confucian ideal is to 修身齊家治國平天下, self-cultivation leading on to the establishment of a stable family before going on to administer the state and then pacifying all under heaven. While this can be interpreted as an appeal to collectivism, in the form of service to the people after self-cultivation, the emphasis on self-cultivation and to rule others means that this can be also interpreted as an appeal to individualism and self-interest. This interpretation is supported by other passages in the classical texts. For example, the idea that a person who knows the will of heaven (or destiny, depending on the translation) would not stand under a rock wall (故知命者不立乎岩牆之下)

in *Mengzi, Jin Xin 1* 孟子, 盡心上. This passage has often been interpreted into a popular proverb that ‘a gentleman does not stand under a precipitous wall’ (君子不立於危牆之下), inferring that self-preservation is the correct behaviour for an individual. The original passage in *Mengzi* goes on to state that ‘while to die for a noble cause is right, to die from undue punishment is not’ (盡其道而死者, 正命也; 桎梏死者, 非正命也). This put the passage in better context than the proverb, which is all about self-interest, the emphasis of the passage is nevertheless on personal choice, which is contrary to the traditional interpretation of Confucian collectivism at the expense of individual choice. That the classical Confucian texts can be interpreted as advocating personal choice is further supported by another passage in *Mengzi, Jin Xin 1* 孟子, 盡心上, in which it states that a person should maintain their personal dignity when poor, and seek to bring prosperity to the world when conditions allow (窮則獨善其身, 達則兼善天下). This passage is again on personal choice depending on conditions, rather than the stereotypical image of a strict Confucian hierarchy where the individual has no choice but to serve the collective in whichever way deemed appropriate by the elites.

9.2.2/ The False Dichotomy of Meritocracy Versus Democracy.

Another dichotomy often cited to defend the idea that cultural differences mean that democracy is not suitable for Asian societies is the Confucian meritocracy versus liberal democracy debate (For example, Kim 2020; He and Warren 2020; Li 2020; Tseng 2020; Bell 2012). According to He Baogang and Mark Warren, a meritocracy is a system where those with the ability, knowledge and virtue are selected to rule, and subjects should defer to those with the expertise in these areas (He and Warren 2020, p. 1093). Daniel Bell defines meritocracy on similar lines, and claims that it is a system of ‘elevating the worthy’, and adds that this a key theme of traditional Chinese political culture (Bell 2012, p. 9). The difference between He and Warren, and Bell’s position is that while the former assert that meritocracy is a not a viable alternative to democracy, the latter claims that democracy in its current form is flawed, and that such flaws can be remedied by an infusion of meritocratic mode of governance.

He and Warren defend their position by asserting that comparisons between meritocracy and democracy are inherently flawed, and that meritocracy is an aspiration that those who hold power should merit their position with the right abilities (He and Warren 2020, p. 1094). The problem of putting meritocracy on the same level as democracy, they go on, is that meritocracy is not a source of power, merely the perceived necessary qualities to hold power. The more important question, they contend, is who the final arbiters are to determine these qualities, the elites or the people. Given this, they argue that the dichotomy is not between meritocracy and democracy, but rather, between autocratic meritocracy and democratic meritocracy. Given these contexts of meritocracy, Bell’s assertion that society would be better served by a political meritocracy where talented politicians are selected for their abilities (Bell 2012, p.12) rather than by irrational voters and the ‘pursuit of narrow economic interest’ in a democracy (Bell

2012, pp. 10-11) would seem misguided. Bell fails to acknowledge that power in a meritocracy resides in those who decide how merit suitable for political power is measured, and which candidates possess these merits. In Bell's example on the present Chinese state, it is a case of the ruling elites deciding who can join their ranks (pp. 10-11). It seems that Bell is not proposing a political meritocracy, but instead, an authoritarian form of meritocracy.

He and Warren's position seems more coherent, for the idea of capable or virtuous people ruling is not controversial in a democracy. Candidates in election, after all, would very rarely seek to persuade voters on the basis of their incompetence¹¹, but would put themselves forward on the basis that they are the best people for the job. A democratic system, then, does not preclude merit, but actively promotes the concept. The differences are that in a democratic meritocracy, the people are the final arbiters of what constitutes merit, while in Bell's authoritarian meritocracy, which he masquerades as the dichotomy between democracy and meritocracy, the elites have that role.

Even renowned scholars sympathetic to democratic ideals can sometimes make the mistake of confusing that meritocracy is a source of power, and places it on the same footing as democracy. Mou, for example, made the assertion that although China had traditionally lacked political democracy, it has had a tradition of administrative democracy (Mou 1991, pp. 19-20, 24). Mou based his assertion on the examination system for the selection of officials during the imperial era, a system which is still in use today in China for the entry into the civil service, though the contents of the exams are of course different. It is, however, debatable whether such exams

¹¹ There are exceptions, for instance, candidates of the Official Monster Raving Loony Party. Although they bring colour and show the eccentricity of the British electoral system, it is debatable whether such candidates are really seeking office.

really constitute a democratic system of selection. Although it is open to all, the exams tested knowledge of what the ruling order considers to be important, and advancement through the ranks is at the pleasure of the ruler and the elites. The examination system, then, may be an advancement over inherited power and privileges and offers a narrow path of social mobility, but it would be too far-fetched to equate it with being democratic in the sense that those who hold power are accountable to the people.

9.2.3/ Cultural Differences or Preservation of Privileges by the Elites?

The highlighting of the purported inherent dichotomies between ‘Asian’ values and democracy is to demonstrate that the argument against democracy on the grounds of cultural differences is flawed. It is understood that norms between cultures do differ, and that these differences do influence how people think and act, but the results of which would be reflected in the form of governments elected and laws enacted in a democratic system. In the context of Confucian cultural traditions, Fukuyama rightly points out that those states are being dishonest when appealing to Confucian traditions to justify their authoritarian modes of governance, as liberal states with Confucian heritages such as South Korea and Japan, and latterly, Taiwan, have all managed to accommodate democracy without jettisoning their cultural values (Fukuyama 1995, p. 29). Furthermore, to argue that the culture of a people can deny them the right to choose their form of government can be a form of racism. The argument that a people is unable or should not be allowed to govern themselves due to some innate cultural nature is either self-serving or racist. If the people were coerced into accepting an autocratic system of governance which had then become ‘cultural tradition’, the argument that certain cultures preclude the people ruling for themselves would perpetuate this system. At best, this is a self-serving argument for regime survival of the ruling elites. At worst, if such arguments are invoked by

scholars enjoying all the freedoms and rights of a liberal democratic system towards people in different cultures that lack these rights, then there are uncomfortable echoes of a colonial paternalistic mentality of treating the ‘natives’ as children unable to care for themselves.

This is not to deny that certain cultural traditions or political theories are against democratic values, for example, the Song-Ming interpretation of Confucianism or the US slavery system. However, cultures are not static, and where cultural traditions are at odds with societal sentiments, they can change. The systems of concubines and harems, after all, have had a long tradition in Chinese culture, yet there seems to be a lack of argument that state-enforced monogamy is not suitable to Chinese society due to cultural differences. It is also not being argued here that certain dichotomies do not exist and that the interpretations of Confucian collectivism and liberal individualism are necessarily wrong. It is, however, being argued that they are the interpretations of very specific forms of Confucianism and liberalism, and that there can be reasonable alternative interpretations which can show that there is no rigid dichotomy between Confucianism and liberalism. The deconstruction of the purported inherent dichotomies between the two political theories is not to construct a liberal influenced Confucian legitimization scheme that incorporates democracy, but to show that Confucian and liberal values can converge independently without influences from each other through a reasonable re-interpretation of the Confucian classics.

9.3/ The Democratic Aspects of Confucianism: 天下為公 (The World Belongs to All).

The passages contained in *Mengzi* are usually invoked for support that there are democratic sentiments within Confucianism. For example, Hu Shaohua states that the Mengzian notion of people’s rights often surpassed that of Confucius (Hu 1997, p.352), and cites Thomas Elbert’s

assertion that *Mengzi* is the basis of Chinese democracy (Elbert 1927, p. 216, cited in Hu 1997, p.352). Other examples are Bai Tongdong's assertion that passages in *Mengzi*, in the form of endorsing certain basic liberties, are compatible with a thin version of liberal democracy (Bai 2008, p.25), and Xu Keqian uses passages from *Mengzi* to demonstrate the democratic nature of Confucianism (Xu 2006, p.138-139). This may have given the impression that *Mengzi* is the only source within the Confucian classics to support the idea of democracy. Given this, this section will begin with a passage from *Book of Rites (Liji 禮記)* to demonstrate that democratic sentiments can be found in other Confucian classics.

The phrase 天下為公 (*tianxia weigong*) is one of those that are hard to pin down to an exact meaning in Chinese, and the problem of translating it into English only exacerbates the difficulties. It is the start of a passage containing the ideal of a utopian Confucian society, the idea of the 'grand union' (*datong 大同*). This passage is from the *Liji, Li Yun 禮記, 禮運*. How strongly this passage can be used to support democratic ideals is very much dependent on the interpretation, and also on the translation into other languages if a non-Chinese audience is to be convinced. The literal translation can loosely be 'all under heaven belongs to all'. The first part of the phrase is rather simple, for *tianxia* can simply be translated as 'all under heaven', or less metaphysically, 'the world'. The main problem is what is meant by 公 (*gong*). As well as 'public', it can be translated as 'righteousness' as in 公義 (*gongyi*), 'fairness' 公平 (*gongping*) or 'just' 公正 (*gongzheng*). The phrase can alternatively mean that the world should be just/fair/righteous. Given that the rest of the passage contains messages of the elderly should be loved by not just their sons, and orphans being brought up by people other than their parents, that is, the helping of others, all the above connotations seem to fit.

Jason Chan uses the translation by James Legge, in which the phrase is translated as ‘a public and common spirit ruled all under the sky’ (Chan 2007, p. 184). This also seems to fit with the general tone of fairness; however, this chapter will draw on pre-Han works from the Military school (*Liu Tao, Wu Tao, Fa Qi*, 六韜, 武韜, 發啟), and from *The Annals of Lu* (*Lu Shi Chun Qiu*, the Record of *Mengchun, Guigong* 呂氏春秋, 孟春紀, 貴公), in which they state that the world does not belong to a single person (天下非一人之天下). Both works are relevant to the interpretation and translation because the former is used to justify the overthrow of the Xia dynasty by the Zhou, whose early rule is revered by Confucians, and *The Annals of Lu* because, according to Chan (2007, p.184), is a work that encompasses ideas from the major schools of thought and is often cited by Confucian scholars. Following from this, *tianxia weigong* can reasonably be translated as ‘the world belongs to all’.

With this slight alteration of Legge’s translation, the passage in English would be:

When the grand course was pursued, *the world belonged to all*¹² (*tianxia weigong*), they chose men of talents, virtue, and ability. . . . Thus men did not love their parents only, nor treat as children only their own sons. A competent provision was secured for the aged. . . . They showed kindness and compassion to widows, orphans, childless men, and those who were disabled by disease, so that they were all sufficiently maintained. . . . [They accumulated] articles [of value], disliking that they should be thrown away upon the ground, but not wishing to keep them for their own gratification. . . . In this way [selfish] schemings were repressed and found no development. Robbers and rebellious traitors did not show themselves, and hence the

¹² Legge’s original translation was ‘a public and common spirit ruled all under the sky’, which I have altered to ‘the world belongs to all’.

outer doors remained open, and were not shut. Thus was [the period of] when we call the Grand Union (Legge 1964, cited in Chan 2007, p. 184).

The slight change in interpretation and translation means that the passage can support democratic ideals more strongly, as a ‘public and common spirit’ that ‘ruled all under the sky’ may be a moral idea of caring for the people, but it has nothing particular to say about democracy. Fairness can be administered by benevolent rulers from the goodness of their hearts, or as bribes to keep the people sufficiently contented so as not to rebel. ‘The world belonged to all’, on the other hand, denotes a world which the people had common ownership and was not merely the possession of the ruler. This can be the start of asserting rights in the management and governance of the world (state), for ownership comes with rights. This has major implications when the next line of the passage is taken into consideration. Read together, the sentence that ‘the world belonged to all, they chose men of talents, virtue, and ability...’ has the very strong sense that those that got to choose are the ‘all’ to which the world belonged. This reads like an emphatic statement for the people’s right to choose, and strong support for the concept of popular sovereignty in an ideal Confucian society. This slight revision of the translation, then, would negate Chan’s (1984, p.184) reasonable objection based on Legge’s original translation that the passage does not mention ‘who owns the sovereign power in this ideal world’.

After the chapter on the utopian concept of a *datong* society, the following chapter in *Liji*, *Li Yun* (禮記, 禮運) then laments the demise of the great *dao* (今大道既隱), and the world has turned into a ‘well-off’ (*xiaokang* 小康) society, in which the world belongs to the family (although in this context, 家 could also be translated as ‘dynasty’), and each only care for their own (天下為家, 各親其親, 各子其子, 貨力為己). Rituals are used as laws to regulate the

hierarchical relationships between ruler-officials, father-son, siblings and spouses (禮義以為紀, 以正君臣, 以篤父子, 以睦兄弟, 以和夫婦). The six gentlemen; *Yu, Tang, Wen* and *Wu*, king *Cheng*, and the duke of *Zhou*, all followed the rituals to display righteousness, sincerity, admission of errors, and benevolence (禹, 湯, 文, 武, 成王, 周公. 此六君子者, 未有不謹於禮者也. 以著其義, 以考其信, 著有過, 刑仁講讓).

This passage is a clear indication of the selective nature of how Confucian texts were interpreted to construct traditional and Song-Ming Confucianism. The emphases on rituals and hierarchies by these forms of Confucianism and which were practiced during the two millennia of imperial rule may have caused the common misconceptions that rituals and hierarchies form the basis of an ideal Confucian society. It is clear from these two chapters, however, that the *xiaokang* society in which rituals and hierarchies play fundamental roles is only a pragmatic adaptation due to the demise of the great *dao* and the *datong*. It is shown that the idea of the *datong* can be interpreted as containing strong sentiments supporting popular sovereignty and democracy. The revised interpretation of this passage would also serve to counter David Elstein's assertion that the ancient Chinese thinkers have not expressed support for democracy (Elstein 2010, p.431). This is not to say that different interpretations are wrong or that this revised interpretation is definitive. The different interpretations are merely the results of differences in the focus and text selection. There is no reason why there cannot be reasonable disagreements in the interpretation of canonical texts which contain some seemingly contradictory ideas.

Although the support for the notion of popular sovereignty is strong in the *datong*, the reliance of only two chapters in the *liji* to support an interpretation of Confucian democracy may,

however, be considered too weak by some. Further corroborating texts will be needed to make the case stronger. Before turning to *Mengzi* for further support, another passage in other classics, this time, ‘heaven sees what the people sees, and hears what the people hears’ (天視自我民視，天聽自我民聽) can add support that the classical texts can be reasonably interpreted to show that democracy is inherent with Confucian thoughts. This passage is contained in *Shang Shu; Zhou Shu; Tai Shi* 2 尚書；周書；泰誓中. This passage alone, without the context of subsequent passages in the same paragraph, would be a strong declaration of popular sovereignty as it seems to state that the mandate of heaven as the mandate of the people. However, when the subsequent passages are also considered, the interpretation would seem as only the people of a vassal state urging on their leader to conquer the superior state¹³. These passages state ‘that having delayed my expedition against the wish of my people, I now invade the enemy’s territory with military vigour to destroy the brutal tyrant’ (百姓有過，在予一人，今朕必往。我武維揚，侵于之疆，取彼凶殘。我伐用張). That said, the equating of what heaven hears and sees with what the people hear and see is significant in the context of whether heaven would grant the mandate to the ruling order. At the very least, the decision of the metaphysical heaven, and therefore the legitimacy of the regime, can now be affected by what the people see and hear, a first step to popular sovereignty.

The same phrase appears in *Mengzi, Wan Zhang* 1 孟子，萬章上, and contains stronger support for the concept of popular sovereignty. The start of the paragraph which contains the phrase mentions the ruler cannot gift the state to another person legitimately (天子不能以天下與人), and that a ruler must be accepted by both heaven and the people (使之主祭而百神享之，是

¹³ The passages are describing the historical conquest of *Shang by Zhou*, of which it was a vassal state.

天受之, 使之主事而事治, 百姓安之, 是民受之也. 天與之, 人與之). The test of legitimacy, is then, that rulers must be accepted both by heaven and the people. Heaven's will, though, according to *Xunzi, Tian-Lun* 荀子, 天論, is not dependent on the virtue or otherwise of the ruler (天行有常, 不為堯存, 不為桀亡). This leaves only the people as the arbiters of a regime's legitimacy. So, given that heaven and the people see and hear as one, and that heaven leaves the people to be the sole judge on the conduct of the rulers, a very reasonable interpretation would be that the mandate of heaven is another name for the mandate of the people. An emphatic declaration of popular sovereignty!

The concept that the people have a right to depose of leaders is further outlined in *Mengzi, Wan Zhang 2* 孟子, 萬章下, in which it is stated that a ruler who is at fault and repeatedly refuses to listen to advice can be removed forcibly (君有大過則諫, 反覆之而不聽, 則易位). Elstein (p. 439-440) interprets this passage with another passage that states the right to kill a tyrant 聞誅一夫紂矣, 未聞弑君也 in *Mengzi, Liang Hui Wang 2* 孟子, 梁惠王下. Elstein argues that as *Mengzi* does not explicitly mention that the people have a right to remove a ruler, and that this episode is referring to a member of the nobles killing and deposing another member of the nobility, there is no general right of the people to do so. It is true that *Mengzi* qualifies that the right to depose rulers resides within the nobles, while officials should leave the state if the ruler repeatedly refuses to listen to advice. However, what is established by these passages is the right to dissent, and that the ruler can be forcefully removed, and even killed. This means that a sovereign can only rule by consent, and can be removed legitimately if consent is withdrawn. At this stage, it has only been established that the right to do this resides in the nobles. However, once the idea that rulers can be removed legitimately is established, it is a short step to extend this to the people. This short step can be the statement

in *Mengzi, Jin Xin 2*, 孟子, 盡心下, in which it is stated that the people are paramount, followed by the state and last on the list is the ruler (民為貴, 社稷次之, 君為輕). If the people are paramount and takes precedence over both the state and the ruler, have a common ownership of the state as it is stated in the ideal of the *datong*, then it can logically be inferred that they should also have a voice in the removal of the ruler, over and above the rights of the nobles.

The case for Confucian democracy based on the classic texts is strong with the following interpretation: The ideal Confucian state is that of the *datong*, in which the world belongs to all, and rulers are selected by their abilities and virtues. Ownership means that the people have the right in this choice. Furthermore, the legitimacy of rulers depends on both the acceptance of heaven and the people, and rulers can be legitimately removed or killed if they do not accept the norms of heaven. As heaven and the people are one in the sense that both see and hear as one, and that the people are paramount, the people therefore have the right to depose of rulers. It is accepted that this is only one possible interpretation of the classical texts, and that alternative reasonable interpretations can be diametrically different. However, the case has been made that amongst the different interpretations which cast Confucianism as being anti-democratic, or at best, as benevolent autocracies based on reciprocal relationships, it can also be reasonably interpreted as the basis of a legitimation scheme with democracy at its very centre.

9.3.1/ *Freedom of Expression in Confucianism: 防民之口, 甚於防川 (Blocking the People's Speech is Akin to Blocking a River)*.

A case has been made in chapter Two that democracy must necessarily mean that some basic negative rights such as freedom of expression if any choices of the people are to be informed. Although there seems to be no explicit right to freedom of expression stated in the classical texts, the right to dissent is well established in the discussion above. The passage that 'blocking the people's speech is akin to the blocking of a river, when the dam is burst, there will be numerous casualties' (防民之口, 甚于防川. 川壅而潰, 傷人必多) is from *Guo Yu, Zhou Yu* 2 國語, 周語上. This passage can be interpreted as either that rulers ought to let the people speak freely, or that the people have a right to do so. Taken in isolation, the former would seem the more likely and reasonable meaning, as the passage makes no mention that it is a right of the people to speak freely, but merely warns the dangers if the people are not allowed to do so. If this passage is combined with the discussion on Confucian democracy, in which the state belongs to all, and that the people are paramount, a right of the people to voice dissent can be made. In any case, whether the people should be allowed to speak freely or have the right to do so, the concept of freedom of expression is established.

Elstein (2010, pp.434-435) dismisses the idea that freedom of expression is compatible with Confucianism based on his belief that both Confucius and *Mengzi* lack trust in the judgement of the people. He specifically cites the now somewhat infamous passage from *The Analects, Tai Bo* 論語, 泰伯, that 'citizens should obey, but not know' (民可使由之, 不可使知之) in support of his argument. While this is indeed the traditional interpretation of the phrase, there can be valid alternative interpretations given the ambiguous nature of classical Chinese and the lack of punctuations. Indeed, Luan Guichuan, after a close textual analysis and by breaking up

the sentence differently, asserts that the correct interpretation should be ‘citizens should be guided, but not forced’ (Luan 2016, p.175). This alternative interpretation puts the context of freedom of expression in a different light. If the people are to be guided and not forced, this implies a reasoned debate to convince the people on the right course of actions given that it is unwise to silence the people, so the people can always respond to any arguments put forward by the ruling order. This is not to claim that Luan’s interpretation is the only one possible, and how this passage is interpreted will depend on which other classical texts are selected to support any interpretations. With the selection of text to support Confucian democracy in this chapter and the necessity of letting the people speak, Luan’s interpretation seems reasonable, and can further support the idea of freedom of expression within Confucianism.

The other main objection to Confucianism being compatible with freedom of expression, which is listed as one of the necessary conditions for democracy in Chapter Two, in order that the people can decide freely whether they can make sense of the legitimation story, is the hierarchical nature of Confucian society based on rituals. This argument is put forward by both proponents and detractors of Confucian democracy (for the former, see Ackerly 2005, the latter see Elstein 2010, and Li 1997). The confusion here is between the pragmatic approach of the Confucian *xiaokang* and the Confucian ideal of the *datong*. While *xiaokang*, with its strict hierarchies and emphasis on rituals, is lauded by Confucian texts and the basis of the construction of the Confucian order during the imperial era, it must be remembered that this is not the Confucian ideal. *Datong*, with its strong sentiments of egalitarianism and popular sovereignty, is the Confucian ideal. When Confucianism is interpreted within the context of the *datong*, this chapter’s construction of Confucian democracy based on alternative interpretations of the selected texts is entirely reasonable.

9.4/ Conclusion: A Confucian Democratic Based Legitimation Story.

One of the striking features of Confucianism is that it can be interpreted in contradictory ways to promote contrasting modes of governance. While scholars have acknowledged that Confucianism is not homogenous, the term ‘Confucian values’ are often used loosely in the literature, and that the nature of these values are dependent on the interpretation is often given insufficient attention. The often-stated core Confucian values are often based on the highly hierarchical social and political structures with heavy emphasis on the use of rituals. These values are then used by critics who claim that Confucianism is anti-democratic in nature by the construction of dichotomies between Confucian and ‘Western’ values, and then extended by some to further claim that certain societies are unsuitable for a democratic system of governance due to cultural differences.

The main problem with ‘Confucian values’ is not that Confucianism lacks any particular values such as democracy, but that it contains so many, with some very contrary values to suit the needs of the ruling orders of different political systems. In essence, it can be used to support both autocratic and democratic orders. Indeed, the autocratic interpretations of Confucian classics have done a good job of legitimising numerous autocratic imperial orders throughout history. One question that has been rarely asked is how or on what bases these Confucian values were constructed. For as this chapter has shown, rituals and hierarchies are not the ideals of Confucianism as stated by the classical text. Instead, the *datong* ideals of a democratic society is the ultimate Confucian aim, with the *xiaokang* hierarchies and rituals a second-best solution due to the demise of the great *dao*, and with it the *datong*. The idea whether Confucian ideas are democratic in nature, then, very much depends on the focus and interpretation of different texts.

This chapter has focused on the passages in the classical texts which have strong democratic sentiments to argue that Confucian values are inherently democratic. This is necessary for the construction of a legitimation scheme that meets the criteria set out in Chapter Two. A legitimation story based on Confucian democracy would pass the CT test and therefore satisfy the BLD. It is also able to meet the requirement that Elstein (2010, p. 431) proposes, which is that a Confucian democracy not only has to show that democracy can be incorporated within Confucianism, but that any construction of Confucian democratic theory must be based on core Confucian values. The analysis of the concepts of the *datong* and of the selected passages revealed that the proposed Confucian democratic legitimation scheme can indeed pass both tests.

The economic egalitarian aspect of the *datong*, in which the statement ‘the world belonged to all’ would imply some form of equal sharing of the economic resources of the world. The economic implications will be discarded for the construction of the scheme. Instead, the focus will be on the political sentiments of equality and democracy, in which the statement that ‘the world belonged to all, and people are selected for their virtues and abilities’ will be used as the starting point of a legitimation story based on a democratic system of governance. The legitimacy criteria set out in Chapter Two is a thin version of democracy, with meaningful choice and rejectability as the key criteria. How the people then choose to distribute economic resources or how they wish to arrange their society are not part of the criteria. In essence, the Confucian democracy legitimation story is mainly concerned with that people have a meaningful choice in how they are ruled.

A legitimation scheme based on Confucian democracy would take values expressed in the statement of the *datong*, in its emphatic support for popular sovereignty as the starting point. This would be backed up by the statement that ‘heaven sees what the people see, and hears what the people hear’ in both the *Shang Shu and Mengzi*. This equating of heaven and the people in what they hear and see is important as a ruler’s legitimacy is dependent on the acceptance of both heaven and the people, as stated in *Mengzi*. Combining this with the statement that heaven does not express a view on the conduct of rulers (天行有常，不為堯存，不為桀亡) as stated in *Xunzi*, which leaves the people as the sole judge of the regime, it can reasonably be interpreted that the mandate of heaven is then the *alter ego* of the mandate of the people. This would establish the principle of popular sovereignty. This principle is further supported by passages in *Mengzi* in which they state that rulers rule by consent, and can be forcefully deposed if such consent is not forthcoming. *Mengzi* qualifies this by stating that it is only the nobles who have this right, but the statement that the people are paramount would logically allow the people to also have the right to depose rulers, especially as the world belongs to the people, heaven and the people see as one, and the ruler is dependent on the mandate of heaven, for which read the mandate of the people, for its legitimacy.

It was pointed out in chapter Two that meaningful choices would necessitate freedom of expression, as choices cannot be meaningful if the people do not know what they are choosing, or what the alternatives are. The classical Confucian texts do not explicitly state that people have the right to such freedom. That said, the strong sentiments of popular sovereignty expressed in the selected texts discussed would imply that right. Furthermore, in addition to the right of dissent expressed throughout the classical texts, the passage from *Guo Yu* 國語 warns of the danger of not letting the people speak freely. This establishes a need for the people

to speak freely, which if taken into context of popular sovereignty and the paramount importance of the people, would strongly infer a right to freedom of speech.

Confucian values as interpreted from the selected texts, then, can be the basis of a Confucian democratic system. Note that this is both the legitimation story and the basis of conferring democratic legitimation on further legitimation stories. The values discussed here are similar to liberal values, but that is not to say that there are direct liberal influences in the conceptualisation of these values. These are all taken from the classical texts with no input from liberal ideals and can therefore be considered as the independent convergence of Confucian and liberal values. Of course, it can be argued that the very act of promoting democracy is a liberal trait, as Confucianism as practiced during the imperial era was never strong on the theme of democracy. The counter argument would be that it is rare for a ruling class to promote a concept that would threaten their power, so it is not really surprising that the interpretations of Confucianism during the imperial era were focused on the aspects that sustained its legitimacy to rule. This absence of democracy throughout the imperial era of Confucian dominance was therefore only a lack of interest from the elites to interpret the democratic aspects of Confucianism, and as this chapter has shown, not the lack of democratic nature within the philosophy. This approach shows that democratic values are inherent, or at least can be interpreted, within the core components of Chinese culture which can help in the development of democratisation of the Chinese state.

Chapter 10: Conclusion.

10.1 / Overview.

This thesis makes three significant and original contributions to knowledge. The first contribution is to the debate on the legitimacy of the Chinese state by the conceptualisation of a novel framework for the examination of political legitimacy of non-liberal states, drawing on the ideas of Williams and Habermas. The thin normative standard of popular sovereignty as the minimum requirement of legitimacy can counter charges of cultural imperialism as it is no more than what is already being invoked by almost all secular states as the basis of legitimacy. The second contribution is the clarification of the Party's Confucian turn as part of its legitimisation efforts. This addresses a significant gap in the literature, as although there seems to be a consensus that the Party has gone through a Confucian turn, the strand of Confucianism being invoked and way it is being used are rarely discussed. The third contribution is the conceptualisation of a Confucian democracy drawing entirely on canonical Confucian texts. This is a contribution to the debate on whether Confucianism is compatible with democratic values, as the literature either states that the two are incompatible or that although Confucianism contains some democratic sentiments, it needs liberal influences to realise this democratic potential.

The three contributions are connected by the issues of legitimacy of the Chinese state and its long search for a viable alternative legitimisation ideology after the demise of institutional Confucianism. The re-emergence of Confucianism in the official discourse and the diminished role of Marxist values and practices in contemporary Chinese society have led many writers to speculate on the idea that the Party has turned to Confucianism in its legitimisation efforts. This

view, however, begs many important questions that are rarely discussed in the literature on the legitimacy of the Chinese state. The first is that the type of legitimacy being discussed is often omitted, leaving the question open as to whether the legitimacy being discussed is of a descriptive or normative variety. Unless legitimacy is clearly defined, any discussion of the Party's legitimacy can be confusing, as legitimacy may mean different things to different people. The framework provided such clear definition. The other questions which are insufficiently discussed in the literature relate to the nature of the Party's Confucian turn.

The Chinese state has long been searching for a viable alternative basis of legitimation since the demise of Confucianism at the end of the imperial era. The test of the Party's legitimacy using the framework, and the clarification of the Party's Confucian turn as part of its legitimation efforts after decades of hostility towards the ideology, helped to reveal the legitimacy issues of the Party caused partly by the increasingly irrelevance of Marxist values in the daily lives of the Chinese populace. The Confucian turn would suggest that the search is still on-going. The conceptualisation of a Confucian based democracy contributes to the debate on Confucian democracy, and on an appropriate legitimation scheme for a modern Chinese state.

This chapter will discuss and clearly lay out these contributions, starting with the legitimacy framework and the examination of the legitimacy of the present Chinese state. This will be followed by a clarification of the nature of the Party's turn and the form of Confucianism being invoked. The next part will be on the conceptualisation of a Confucian democracy.

10.2/ Legitimacy Framework.

The Party's stated position on political legitimacy is that all power resides with the people, but that 'Western' liberal democracy is unsuitable for the Chinese state given the unique cultural traditions of the country. Any attempts to critique the lack of democratic rights within the Chinese state is portrayed by the Party as Western hegemony and cultural imperialism. Given this, a good starting point to examine the political legitimacy of states would be the concept of popular sovereignty, as democratic legitimation is invoked by almost all modern secular states, regardless of ideology or cultural traditions.

The distinction between the general will and the will of all by Rousseau, however, may cause problems in determining what exactly constitutes popular sovereignty. If it is accepted that certain self-evident truths are paramount and can override the empirically-ascertainable will of the people, then this would give ruling orders the excuse that they are basing their legitimacy on a higher truth of the general will against the will of all. While it is accepted that the majority can at times be oppressive towards the minority, the whole concept of popular sovereignty must surely depend on the people making reasonable decisions after rational debates. Hence, rather than trying to determine some higher truths of the general will and forcing the people to accept these, the basis of popular sovereignty in the legitimation framework instead outlined the minimal conditions necessary for the basic principle of popular sovereignty. These are freedoms to express dissenting views and to construct alternative narratives, access to information, and decisions made without fear of coercion.

This thin concept of democratic legitimation of the theoretical framework is drawn mainly from the ideas of Williams's normative approach to legitimacy and Habermas's idea of performative legitimacy in which norms and values are interchangeable with the promise of rewards. This approach differs from normative schemes of legitimacy based on liberalism, in that it presupposes no ideological basis except for popular sovereignty. Other normative legitimacy schemes which incorporate democratic legitimation, such as the Rawlsian justice as fairness or Pettit's republicanism, although having many admirable qualities, tend to be defences of the Western liberal status quo, while at the same time setting the bar of legitimacy too high. The Weberian approach of using legitimacy in a purely descriptive context would render any examination of the legitimacy of states pointless as all states can be considered legitimate using the Weberian typology. Given that the Party invokes popular sovereignty as basis of its legitimacy, the Williams concept of legitimacy, once the first question has been answered, only requires that the people make sense of the legitimation stories being told without coercion, would seem an appropriate normative framework to examine the legitimacy of the Party.

Williams had left opened the question what constitutes coercion, this thesis took coercion in the context as including the suppression of the freedom to construct and disseminate alternative narratives to remedy this omission. Other problems with Williams's concepts are that some appear overly idealistic or impractical for a realist scheme of legitimacy. The idea that the state must justify its right to rule to each individual, for example, seems to have gone too far in the attempt to answer the old problem of what constitutes consent in consent theory, and Freedman (2012, p.6) dismisses this as 'an unfeasible return to an ideal-type expectation'. It was necessary, therefore, to reformulate Williams's concept into democratic rejectability, so rather than everyone must explicitly consent to the ruling order, the people can reject and remove the

ruling order from power by a majority if they do not make sense of the legitimisation stories being told.

Williams's concept of legitimacy is based on realism, in which it is likely that as long as the legitimisation stories being told are consistent with societal values and norms, they are likely to make sense of by the people. Habermas points out, however, that where societal conditions change, there is likely to be conflicts between societal norms and values and the legitimisation stories, which can lead to crises of legitimacy. Promises of rewards, usually financial, but also other tangible benefits such as stability, can be substitutes for these norms and values. The promises of rewards can also be viewed as legitimisation stories which help to prop up the legitimacy of a regime while other parts of the legitimisation story may have lost their ability to legitimise the ruling order.

The fusing of the main ideas of Williams and Habermas, then, creates an appropriate legitimacy framework for the examination of legitimacy of the present Chinese state. The lack of any presupposed political ideology, except popular sovereignty, i.e., that the people must make sense of the legitimisation stories, would mean the framework is appropriate for the examination of legitimacy of all states which invoke the concept as the basis of their legitimacy. The framework, unlike other frameworks based on 'Western', for which read liberal, ideals, can resist charges of liberal hegemony or Western cultural imperialism, as it requires that states meet no more what they have already invoked. The devising of this framework and its use to examine the legitimacy of the Party is this thesis's first original contribution to knowledge.

10.2.1/ Legitimacy of the Party.

The overarching legitimization story in Chinese politics since late Qing has been the need for the rejuvenation of the Chinese nation to restore it to its former glories. The narrative of the century of humiliation has helped to etched this deeply in the minds of generations of Chinese people. The question how this could be achieved, however, is much more contested. The Western incursions into China led to questions about the relevance of Song-Ming Confucianism in the governance of a modern state. The collapse of the Qing sowed the seeds for the demise of Song-Ming Confucianism as the dominant social and political ideology, and China has been experimenting with different ideologies and modes of governance in its long transition to modernity. The legitimization stories of the present Chinese state are products of this history, which in its latest guise, is the Chinese Dream. The other main strand of the legitimization story is that this rejuvenation can only be achieved under the rule of the Party guided by Marxist principles.

The present leadership derives much of its self-asserted legitimacy from the legacy of the liberation. The failure of the Party to answer the first question during the Mao era has meant that this inheritance carries with it some heavy historical baggage. The Party cannot disown completely Mao's misrule, nor its Marxist ideological foundations, which was the rationale for the liberation, without weakening its self-asserted claim to rule. The economic reforms needed to mitigate Mao's years of misrule, however, have discarded much of traditional Marxist values and practices in society, as market liberalisation and labour as commodity sit rather uneasily with Marxist ideology.

The examination of the Party's legitimacy therefore focused on the Marxism part of the legitimisation story, which seems increasingly out of sync with Chinese societal norms and practices. The realist scheme of legitimacy suggests that legitimisation stories that are in conflict with societal norms and values would make them hard to make sense of. The reforms have resulted in the commodification of, among others, health, housing and education, functions that certainly should be social welfare provisions rather than commodities under a socialist state. Most importantly, the commodification of labour, with workers being treated as mere wage labour, seems to be the very definition of a capitalist system. 'Socialism with Chinese characteristics' is used by the Party to defend the marketisation of much of the social and economic sectors, in which it still insists that this is a version of Marxian socialism formulated to suit the unique conditions of China. The distillation of Marxist values and practices in the social and economic spheres, however, have reached a point where it would be a misnomer to call them 'Marxist'. Certainly, the commodification of labour, along with much of the social and economic practices, seem to represent the very antithesis of Marxist ethos. It is telling that there are vibrant academic debates on whether the current Chinese political economy is really 'neoliberalism with Chinese characteristics' under the guise of 'Socialism with Chinese characteristics'.

The reforms necessary to answer the first question based on a capitalist relationship of production and wealth distribution led many, including the parts of the ruling elite, to question the relevance of Marxism in China. This tension between societal practices and the stated values within the legitimisation story is not a recent phenomenon, and along with rampant corruption, led to the first major legitimacy crisis of the Party of the post-reform era. There were mass protests led by students in 1989, which culminated in the Tiananmen Massacre in June of that same year. The response by the Party to focus on patriotic education and to

highlight the virtues of the Party can work in containing discontent among the population, especially as the Party has almost total control of the discourse within China, and can fall back to physical coercion to suppress any dissent if needs arise. The ability to coerce compliance, or even acceptance, of the populace, however, does not confer legitimacy on a regime in the context of this thesis. Given the contradictions between the Party's stated values and societal norms and practices and the lack of rejectability, a logical conclusion would be that the people do not make sense of this part of the legitimating story.

It would be churlish, however, to claim that stories which contradict societal norms and practices would automatically make them impossible to make sense of. People may understand, accept the contradictions, and support the regime if other parts of the legitimization story can compensate for these contradictions. This is the Habermasian idea that norms and values can be substituted by promises of rewards, either tangible as material rewards, or intangibles such as stability or the dignity of the nation. Indeed, the other parts of the legitimization invoked by the Party, the rejuvenation of the Chinese nation and the emphasis on economic growth to improve the living standards of the people seem easy to make sense of given the latent sentiments of nationalism partly engendered by the century of humiliation discourse and the poor economic state of the country in recent history. This blend of nationalist and performative legitimization, although easier for the people make sense of, cannot equate with the people accepting that the Party is the only, or even the best, actor who can bring these into fruition.

The present mode of governance of the Chinese state actively suppresses alternative voices and does not allow the Chinese people the choice of rejectability, the necessary conditions of legitimacy according to the framework devised in this thesis. Hence, in the absence of the

people being allowed an informed choice to reject the legitimisation stories which contradict societal norms and practices, it can be reasonable to assert that the Party faces issues with the Marxism part of the legitimisation story. Furthermore, even the parts of the legitimisation story which can be easier to make sense of, in that they resonate better with societal values, cannot be considered to confer legitimacy of the Party, as the present system does not give the people a choice in rejecting these stories. In essence, it is reasonable to conclude that not only has the Marxist part of the legitimisation story lost its ability to legitimise the regime, but also that the other parts which can make sense to the Chinese people also suffer from legitimacy issues due to the lack of democratic legitimisation. Note this is not some arbitrary legitimacy scheme with which to criticise the Party, but based on the fundamental criterion that it had invoked as the basis of its legitimacy. The use of the legitimacy framework drawing from Williamsian and Habermasian ideas to examine the legitimacy of the Party's rule enhances the original contribution to knowledge.

Even the very thin normative perspective of legitimacy devised by this thesis indicates that it would be incorrect to describe the Party's efforts at sustaining its rule as legitimisation efforts, except in the Weberian descriptive context. The Weberian scheme of legitimacy, however, has been shown to be lacking, as it can confer legitimacy to all regimes, which would make any empirical examination of the legitimacy of states rather moot. It is, therefore, more reasonable to view the Party's efforts as reducing the resistance to its rule, and attempts at self-legitimation to bolster confidence in its right to rule. That said, the Weberian idea that all states strive for legitimacy seems valid, and so it is probably fair to say that the Party would view its own efforts as the ascribing of attributes of legitimacy.

It has also been clearly demonstrated that Marxist values and practices can no longer serve the purpose of inducing compliance of its rule given the present structure of the Chinese political economy. The Party has instead turned towards Chinese exceptionalism, stability and economic growth as the main tools to engender compliance of its rule, backed up by the full coercive power of the state to suppress dissent where necessary.

10.3/ The Confucian Turn.

The gradual rehabilitation of Confucianism in the Chinese party-state since the reforms suggests that the Party is aware of the diminishing relevance of Marxism as the basis of its legitimization stories. However, given the chequered relationship between the Party and Confucianism, with the Party being an heir of the May Fourth movement which had called for the total repudiation of Confucianism, and which was put into practice during the Cultural Revolution, Confucianism, legitimacy and the Party would seem to make very strange bedfellows. The fact that the Party has allowed Confucianism back into the official discourse and elevated Confucius back onto the altar as an assertion of Chinese national identity would seem to suggest that the Party is attempting to focus its efforts of remaining in power on nationalism and at the expense of Marxism, despite an increase of Marxist rhetoric since 2012. The increase in Marxist rhetoric can be viewed as self-legitimation efforts by the Party to bolster confidence of its members, as the market reforms may have led to ideologically confused cadres to question the relevance of a Party steeped in Marxist tradition under contemporary social economic conditions.

The use of Confucianism as an assertion of Chinese identity raises two interesting questions. The first is the strand of Confucianism is being invoked. The second is the way this strand of

Confucianism is being used in the Party's legitimation efforts. These two questions are linked, in that the way Confucianism is being used would inevitably influence the strand of Confucianism being invoked. These questions are important because Confucianism is not a monolith but contains within its canonical texts some very contradictory tenets. Although this point is acknowledged in the literature on Confucianism and Chinese legitimacy, the terms Confucian values and Confucianism are often used as homogeneous values. This can make the debate on the Party's Confucian turn unfocused and lacking in context and so needs clarification.

This thesis has clearly shown that the Confucian turn is an attempt to use Confucius and Confucianism as symbols of traditional Chinese culture in an appeal to Chinese exceptionalism. What is being invoked is not any form of formal Confucianism, but based on folk Confucianism with its emphasis on hierarchies, loyalty to the ruling order, yearning for stability and respect for the elites. Confucianism is also being used with other traditional non-Confucian legitimacy concepts which may still have relevance due to their prevalence in the popular culture and discourse, such as the great unity, the patriarchal paternalistic attitudes of the elites towards the ruled, and the inheritance of political power. Some of these concepts can be useful for the compliance of the ruled as they form part of the cultural meme transmitted via popular culture and in everyday usage of language in the form of fables and proverbs.

The analysis of the Confucian turn further showed that folk Confucian ethics were being used to promote both loyalty to the central leadership and cleaner governance of Party cadres. This shows that the Party is aware of flaws in its mode of governance and suggests that it lacks the confidence to attempt systemic remedies, but instead is trying to rely on the self-restraints and

moral worthiness of individual cadres. The use of traditional Chinese morals as self-legitimation for part of the elites is also telling. It is worth noting that for all the increased Marxist rhetoric since 2012, the appeal is to traditional Chinese moral values as exemplified by Confucianism, rather than to Marxist-Leninist values. This strongly indicates the Party is aware that Marxist values can no longer motivate even its own cadres in the present Chinese political economy. It is reasonable to infer from this that the Chinese ruling elites are once again ideologically confused, and the Chinese nation is still looking for a viable legitimation ideology in its long transition to modernity. Whether reverting to traditional values and folk Confucian concepts is the answer is very much debatable.

The Confucian turn is, then, more of a nationalistic turn, using Confucianism as an icon of Chinese identity. The legitimation and self-legitimation efforts of appealing to Chinese traditional culture is augmented with the constant reminders of China's recent history of humiliation at the hands of Western powers (which in this context includes Japan) prior to the liberation. The narrative is that it was the Party who rescued the country from near total collapse to its present emerging superpower status, and only the Party can complete the task of the rejuvenation of the Chinese nation. The emphases on Chinese cultural tradition and the century of humiliation in the elite discourse suggest the Party is projecting itself as the inheritor and guarantor of an unbroken glorious history stretching a mythical 5000 years. It is not any formal strands of the philosophy that is being invoked, but the abstract idea of Confucianism as a representation of the Chinese nation. The combined appeals to Chinese cultural tradition and the century of humiliation would make for a powerful story, and would seem one that is likely to be understood and supported by the people, especially given the suppression of debates within China. While the story may make the ruling of the country easier, it should not be

confused with legitimacy as defined in the context of this thesis. The clarification of the nature of the Party's Confucianism is the second original contribution to knowledge.

10.4/ Confucian Democracy: A Viable Alternative to Liberalism for the Legitimation of a Modern Chinese State.

The Party, Confucius and legitimacy may make for strange bedfellows, but it is not necessary the case that Confucianism in any form is unsuitable for the basis of a legitimation story for a modern Chinese state. It is accepted that some forms of Confucianism are commonly associated with strict hierarchies and despotic rule, and therefore seems to be an outdated ideology that should rightly be consigned to the dustbin of history. However, while it is true that institutionalised forms of Confucianism have been interpreted in the manner above, there are strong bases in the canonical texts for an alternative interpretation of Confucianism with popular sovereignty as the central focus in the organisation of societies.

The traditional use of Confucius and Confucianism as Chinese icons, which the Party is also now promoting in its turn towards nationalism, would enable legitimation stories based on a modern interpretation of Confucianism to take advantage of the strong latent sentiments of nationalism within the Chinese populace. Chinese nationalism is invoked by parties across the political spectrum, partly as a result of the discourse of the century of humiliation, so legitimation stories based on Chinese cultural traditions can be easier to make sense of than alternatives based on Western concepts. The novel, but reasonable reinterpretation of Confucianism based on only canonical texts to construct the concepts of Confucian democracy without any direct liberal influences contributes to the debate on Confucianism and democracy. It can also contribute to the easing of the ideological confusion in China's long transition to

modernity by showing that democratic ideals are not some Western implants unsuitable for Chinese soil, but very much the core ideal of the most Chinese of philosophies. Democracy may or may be not a universal value, but this thesis has shown that it has roots deep within both European and Chinese cultures.

Commentators on Confucian democracy tend to fall into two main camps, those that think Confucian democracy is a contradiction in terms, and those that think Confucianism has democratic potential, but needs liberal influences to realise this potential. While both camps are technically correct, they seem to be basing their analysis only on the institutionalised version of Confucianism, that is, Confucianism as interpreted and practiced by the elites throughout the imperial era, and to a certain extent, the folk Confucianism being invoked by current regime. Confucianism, however, contains many contradictory tenets, which means that reasonable alternative interpretations are possible by focusing on different texts within the canonical Confucian works. Indeed, the ultimate ideal of a Confucian society is not the hierarchies or the rituals usually associated with Confucianism, but the democratic idea of the *da tong*, in which the world belongs to all, and rulers are selected on the basis of merit. This is surely an emphatic rallying cry of popular sovereignty, for ownership denotes the right to decide what qualities are necessary for the running of the state, and who possesses these qualities to do so. The mandate of heaven, so long associated as the appeal to a metaphysical divine entity for political legitimacy, can be equated with a popular mandate, as it has a totally different connotation of democratic legitimation if the Confucian idea that heaven sees and listens through the people is taken into consideration.

That Confucianism can be reasonably interpreted as being inherently democratic in nature is clearly demonstrated in this thesis. The right to freedom of expression and to construct alternative narratives, both of which are necessary in even a thin democratic structure is, as argued in this thesis, less clear in canonical Confucian works. However, this is a matter of semantics, for although the *right* to freedom of ideas and expression is not expressly stated, Confucian texts do state that officials have a right to dissent, and people ought to be *allowed* to speak freely. Given the strong support of popular sovereignty and the paramount importance of the people in the Confucian texts, it would be reasonable to infer that the people being *allowed* the freedom of expression would equate the *right* to do the same. This interpretation of Confucian democracy shares some liberal ideas of freedom without the economic baggage of a liberal political economy. It must be stressed, however, that there are no direct liberal influences, and the construction of Confucian democracy is drawn only from canonical Confucian texts. Confucian democracy and liberal democracy can be seen as independent convergence of values. This point is important, as the ability to claim that democracy is an indigenous value inherent within Chinese traditional culture would make it easier for the Chinese people to accept the idea of popular sovereignty, and also counter the claims by authoritarian regimes that democracy is not suitable for China given its long and unique history.

Confucian democracy, thus constructed, would meet the criteria of a thin democratic legitimation set out in this thesis necessary for political legitimacy. It can act both as a legitimation story for an ideologically confused society, and also as the basis to confer democratic legitimation on further legitimation stories. Furthermore, it presupposes no ideological preferences other than that political power resides within the people. This is a criterion that almost all secular states, including the current Chinese regime, invoke for their legitimacy to rule. So, whilst it may be said that the Party and the way it is invoking Confucius

for legitimacy are strange bedfellows; Confucian democracy as conceptualised by this thesis and legitimacy can be natural soulmates. The reinterpretation of Confucianism to arrive at Confucian democracy as a viable legitimation story for a modern Chinese state is this thesis's third original contribution to knowledge.

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