

TransactionNumber: 649965



Call #: Volume already pulled

Location:

Article Information

Journal Title: The Edinburgh companion to the history of democracy /

Volume: Issue:

Month/Year: Pages: 60-70

Article Author: Victoria Hui

Article Title: "Citizenship Rights in Historical China,"

Loan Information

Loan Title:

Loan Author:

Publisher:

Place:

Date:

Imprint:

Customer Information

Username: thui

Tin-bor Victoria Hui

21011008190102

Faculty - Remote

217 O'Shaughnessy Hall

Notre Dame, IN 46556

Article Delivery Method: Hold for Pickup

Loan Delivery Method: Hold for Pickup

Electronic Delivery? Yes

Interlibrary Loan Request Form

Chapter 4

Ancient China

Victoria Tin-bor Hui

Both Western and Chinese analysts often presume that democracy is unique to Western civilisation and alien to the Chinese. The roots of Western dynamism are, in turn, assumed to derive from the political complexity of Europe, whereas those of Chinese stagnation from political unity. However, as this chapter illustrates, China in fact experienced fluctuations between unification and division in history. Intense international competition in the classical era (770–221 BCE) gave rise to citizenship rights defined as state–society bargains over the means of war. Although the development of Chinese citizenship was aborted by Qin’s successful unification of the Warring States system in 221 BCE, the classical legacy continued to live on in the rest of Chinese history, albeit in diminished forms. In subsequent eras of division, contending regimes would be compelled to make concessions to society. Even in eras of unification, formally unchecked emperors were subject to Confucian doctrines developed in the classical period.

The Military Basis of Citizenship Rights

There is a general consensus that China’s political tradition is fundamentally anti-democratic. Although Karl Marx’s notion of the ‘Asiatic mode of production’ and Karl Wittfogel’s notion of ‘hydraulic despotism’ are no longer in vogue, most observers would agree with R. Bin Wong that citizenship is ‘a culturally foreign concept’ in China (Wong 1997: 93). Elizabeth Perry suggests that even if the classical concept of Mandate of Heaven (divine right) provides for socio-economic rights, there is no place for political rights or democracy in China’s political tradition. She argues that even the recent explosion of rural and urban protests does not signify any new-found ‘rights consciousness’, because such protests are typically ‘framed in a language more reminiscent of Mencius or Mao than of Locke or Jefferson (Perry 2008: 43). This understanding explains why generations of Chinese intellectuals have blamed the Chinese tradition as being the source of backwardness, and why the current government has promoted ‘democracy with Chinese characteristics’ in order to buttress one-party dictatorship.

What this mainstream view overlooks is that China shares with Europe crucial contingent developments conducive to the emergence of citizenship and democracy. The Chinese political tradition is often taken to be Confucian, and the Confucian

tradition is
points out:

Confucius
against a
gossamer
monarch
2004: 10

Of course
right to rule
made it so
the domestic
international
highlighted
Europe not
of ‘rights
international
examine his
twentieth-c
transhistori
claims on th
means of w
rights in th

Rethinking

In China,
effectively
point is o
accepted th
construct t
period), Sh
BCE), Han
(960–1279)
the Republ
presentatio
norm and
received wi
official fou
transitional
He suggest
the previou
holders ple
omous stat

tradition is taken to be fundamentally anti-democratic. However, as Chaibong Hahn points out:

Confucianism was actually exceptional in the degree to which . . . it took a stand against absolutism and autocracy. Yet Confucianism never had much more than gossamer-thin institutional means with which to buttress principled opposition to monarchs who had armies of soldiers and legions of officials at their back. (Hahn 2004: 105)

Of course, political dissenters in Europe also faced monarchs who claimed the divine right to rule and who commanded enormous numbers of troops and bureaucrats. What made it so difficult for European kings and princes to subjugate their populations in the domestic realm was the fact that they had to fight other kings and princes in the international realm at the same time. Scholars of European state formation have highlighted the military basis of citizenship and democracy. Citizenship emerged in Europe not because European rulers were more benign or their subjects had high levels of 'rights consciousness', but because European rulers were compelled by fierce international competition to bargain with domestic resource-holders. When we examine historical trajectories, the focus should not be electoral democracy, a largely twentieth-century phenomenon even in the West, but citizenship rights, a more transhistorical development. If citizenship rights are defined as recognised enforceable claims on the state that are themselves by-products of state-society bargaining over the means of war (Tilly 1992: 101–2), then we can find both political and socio-economic rights in the Chinese tradition.

Rethinking Chinese Unity

In China, as in Europe, the overwhelming coercive power of the state was most effectively checked when a multitude of states competed against one another. This point is overlooked in mainstream Sinology because analysts have uncritically accepted the presumption of Chinese oneness. Instead, Chinese history books reconstruct history through clean dynastic cycles, which begin with Xia (a mythical period), Shang (1600–1046 BCE), and Zhou (1045–256 BCE), through Qin (221–206 BCE), Han (202 BCE–CE 220), Jin (265–420), Sui (581–618), Tang (618–907), Song (960–1279), Yuan (1279–1368), Ming (1368–1644), Qing (1644–1911), ending with the Republic of China (1912–1949) and the People's Republic (1949–present). Such a presentation gives the impression of a linear history in which Chinese unity is the norm and division is a deviance that is destined to be corrected. Contrary to this received wisdom, a Chinese historical geographer Ge Jianxiong,¹ points out that the official founding of a new dynasty does not necessarily restore unification because transitional periods between two dynasties are uniformly marked by armed struggles. He suggests that there is no genuine unification whenever armed forces that fight for the previous dynasty or their own ambitions persist; whenever regional power-holders pledge nominal allegiance to the reigning dynasty, but assert semi-autonomous status and maintain armed forces; and whenever scattered peasant rebellions

become organised, armed rebellions (Ge 1994: 85–6). It is remarkable that Ge's conceptualisation is consistent with Weber's idea of the effective state as one 'that [successfully] claims the monopoly of the legitimate use of physical force within a given territory' (Weber 1991: 78).

If we follow this Weberian–Ge understanding of the state, we need also to outline what 'a given territory' means in the Chinese context. Historical China often refers to the maximum territorial reach achieved under the Qing dynasty – which includes both China Proper and the Periphery. While China Proper is roughly bounded by the Yellow River in the northwest, the Yin Shan and the lower Liao River in the northeast, the Sichuan basin in the west, the eastern edge of the Yunnan–Guizhou plateau in the southwest, the Guangdong and Guangxi regions in the south, and the coastline in the east, the Periphery refers to Manchuria, Mongolia, Xinjiang and Tibet (Tan 2000: 2–4). It is noteworthy that, if unification is defined as the establishment of effective central control over the Qing's maximum territorial reach as outlined, then historical China was unified for only eighty-one years from 1759 to 1840 (Ge 1994: 79). Ge thus suggests a more limited definition: the establishment of effective central control over China Proper without the Periphery. Even this narrower definition does not support the mainstream view that unity was the norm in Chinese history, as it yields only 991 years of unification throughout the long span of Chinese history up to 2000. The figure of 991 years represents 44.6 per cent of Chinese history if the baseline excludes the classical era (i.e., a total of 2,221 years from Qin's unification in 221 BCE to CE 2000), or a smaller fraction if the baseline includes the classical era, or an even smaller fraction if the baseline refers to China's supposed 5,000 years of civilisation. Indeed, it is often overlooked that the Chinese term for 'China' (*zhongguo*) does not always mean the unified and powerful 'central (or middle) kingdom'. The term *zhongguo* originally referred to 'central states' in the plural form during two periods of the Zhou Dynasty, the Spring and Autumn period (770–403 BCE) and the Warring States period (475–221 BCE). It acquired the meaning of 'central kingdom' in the singular form only long after Qin's successful unification. Because the Chinese language does not distinguish between the singular and plural forms, the initial meaning of *zhongguo* is easily lost in modern retrospective thinking. If Chinese history contains more duality and diversity than unity and uniformity, then the recurrence of war-induced state–society bargains should not be underestimated.

War and Citizenship Rights in the Classical Era

The military basis of citizenship was most pronounced in the pristine Spring and Autumn and Warring States periods. Ambitious Chinese rulers faced a daunting challenge familiar to European rulers: how to motivate the people to fight and die in war. International competition compelled three major state–society bargains (Hui 2005). The first bargain was peasant welfare. To mobilise resources for war, Chinese rulers introduced national conscription and national taxation. This development meant that the security of the state rested with the well-being of peasant soldiers who paid taxes and fought wars. As hungry peasants could not afford grain tax or military service, various states distributed land grants to ensure subsistence. To

improve pro
liveliness of
stores, provi
Mencian thi
representing
people were r
would ensue,
The secon
observes:

Rulers gra
... Laws v
They grad
given rule

E. Bruce B
military quo'
that the right
least in the s

Internatio
akin to the F
Locke than to
support of pe
In the interes
freely criticis
hesitation. W
place in Chin
Warring Stat
Heaven reste
unification c
articulated in
notably, the
because 'Hea
2009: 75). In
about the kill
of any ruler'
Hobbes' comj
king, but tyra
The *Zuo chuc*
and betrays tl
expel him?' ('
of strong cent
water. While
Classical Chi
arguing that

improve productivity, states introduced intensive farming methods. To stabilise the livelihood of peasants amid annual fluctuations in yields, states established grain stores, provided disaster relief and introduced a counter-cyclical policy. Confucian and Mencian thinkers of the time regarded the state's provision of material welfare as representing a conditional state-society relationship: if the basic economic needs of the people were met, loyalty would ensue, and the state would be strong; if not, resentment would ensue, and the state would be weakened (Brooks and Brooks 2002: 250, 259).

The second bargain was a justice-based definition of citizenship. As Xu Jinxiong observes:

Rulers gradually promulgated laws which were meant to bind rulers and ruled alike . . . Laws were originally tools used by aristocrats to arbitrarily suppress the people. They gradually became the contractual basis on which the people would accept a given rulership. (Xu 1988: 543)

E. Bruce Brooks calls this development 'the new legal quid' in exchange for 'the new military quo' (Brooks 1998: 6). Transmitted texts and unearthed legal documents show that the right of access to justice and the right of redress before higher judges existed at least in the states of Qin, Chu and Qi by the late fourth century BCE.

International competition further nurtured the third bargain: freedom of expression akin to the Enlightenment, making classical thinkers, especially Mencius, closer to Locke than to Mao (in Perry's language). Ambitious rulers competed not just for the support of peasant soldiers, but also the assistance of talented generals and strategists. In the interest of the state, senior court ministers and free scholars were expected to freely criticise rulers' mistaken policies, an expectation that they met with little hesitation. Wong argues that the European phenomenon of popular sovereignty had no place in China's late imperial state dynamics (Wong 1997: 101). He overlooks that the Warring States era was a different world. The received wisdom that the Mandate of Heaven rested with the Son of Heaven (divinely appointed Emperor) was a post-unification construction by Han emperors. The Mandate of Heaven as originally articulated in the classical era insisted on the ultimate sovereignty of the people. Most notably, the *Mencius* unequivocally places the Mandate in the hands of the people because 'Heaven does not speak; it sees and hears as the people see and hear' (Pines 2009: 75). In discussing the last Shang ruler, Mencius is quoted as saying: 'I have heard about the killing of the ordinary fellow Zhou, but I have not heard of the assassination of any ruler' (Brooks and Brooks 2002: 254). This passage is reminiscent of Thomas Hobbes' complaint about resistance theorists: 'they say not regicide, that is, killing of a king, but tyrannicide, that is, killing of a tyrant, is lawful' (Hobbes [1651] 1992: 2.29). The *Zuo chuan* similarly remarks that if a ruler 'exhausts the people's livelihood . . . and betrays the hopes of the populace, then . . . what use is he? What can one do but expel him?' (Watson 1989: xv-xvi). Even the *Xunzi*, the classical text most supportive of strong central authority, states that 'the ruler is like a boat and the people are like the water. While the water can float the boat, it can also capsize it' (Pines 2009: 206). Classical Chinese thinkers thus preceded modern European resistance theorists in arguing that tyrants ceased to be rulers.

Together, the three bargains of material welfare, legal protection and freedom of expression marked the emergence of citizenship rights in classical China. Of course, the Warring States were not democracies, and many rulers remained abusive of the people (the same can be said of their European counterparts). Nevertheless, the very existence of a multi-state system necessarily gave rise to the fourth citizenship right: the 'right of exit', which made rulers aware of limits to repression lest the people move to competing states. Europeanists argue that the right of exit served as an implicit check on arbitrary power, and even a substitute for formal representation in modern European politics (Jones 1981: 118; Moravcsik 1997: 518). In the Chinese context, scholars, peasants and traders similarly could 'vote with their feet' and move to states with the most open policies. As population size was the basis of military power and economic wealth, the threat of talented citizens and peasant soldiers leaving for enemy states was not taken lightly. As another classic, the *Book of Odes*, says to uncaring rulers: 'Never have you cared for my welfare. I shall leave you and journey to that fortunate land' (Kuhn 2002: 118).

Unification and Erosion of Citizenship Rights

Unfortunately, Qin's unification of the Warring States system in 221 BCE fundamentally reversed state-society relations. Under the Qin dynasty (221–206 BCE), all elements of classical citizenship rights disappeared. Peasant welfare was abandoned and the imperial court increased tax burdens and further drafted over 800,000 men to expand to the northern and southern frontiers. The principle of justice was eroded, with punishments becoming so harsh that there were about 1.4 million convicts to provide forced labour to build the Emperor's palaces and tomb. Freedom of expression was similarly stifled, with all books, except Qin's court records and those on medicine and agriculture, were seized and burnt, and 460 scholars who expressed doubts about the Emperor's policies were persecuted. Beginning from 209 BCE, Qin's subjects turned to the ultimate right under tyranny: the right to rebel.

At the Qin's collapse, the most promising rebel leader, Xiang Yu, sought to revive the pre-Qin states. A Chinese historian Shi Shi suggests that if Xiang had succeeded, China could have developed a loose federal system more conducive to regional autonomy and political freedom (Shi 2007). But Xiang Yu was overtaken by Liu Bang, who established the Han dynasty (202 BCE–CE 220) on the model of the Qin dynasty. Chinese history books praise the Han for correcting Qin's excesses and promoting Confucianism. However, the imperial version of Confucianism advocated by Dong Zhongshu (179–104 BCE) for Emperor Wu (r. 141–87 BCE) involved important deviations from the classical version. Most of all, the Mandate of Heaven was now reinterpreted as resting with the 'Son of Heaven' instead of the people. And despite Confucianism's prescription for benevolent rule, the Han criminal code largely followed the harsh Qin code. As John K. Fairbank observed, although 'the first Han emperors took great pains to claim that their rule was based on the Confucian teachings of social order . . . they used the methods of the Legalists as the basis for their institutions and policy decisions' (Fairbank 1974: 11). Shi even remarks that the key difference between the Qin and the Han was pure coercion versus coercion masked by

deception (Shi 2007). This is a Confucian facade.

The Legacy

The contrast between the Han and the Qin is stark. Michael Loewe notes that the Han was an easier condition for a localised kingdom. Jiegang, a critic of the Han, argued that political decentralisation was ultimately, decayed. The most creative era after the Qin was a competition to neglected regions. The Han was autocratic – just repeating that the 'right of exit', which the 'right of exit' has been accepted. The Han always be revived. The Han era of unification. Confucian rites to at least pay lip service to their own rhetoric of Heaven, China. Confucianism was used to expand (Wood 1995: 11). 202–195 BCE) but also 'exposed' (170). A number of a 'constitutional' even 'set limits' and ruled their 'potentially chaotic' much of the 'spiral order' (Bary 19). of Heaven made. Zhongshu reintroduced Han's Emperor power by three and disasters' : Pierre-Étienne

deception (Shi 2007). Subsequent dynasties followed the Han model of 'Legalism with a Confucian façade' (Hsiao 1977: 137).

The Legacy of Classical Citizenship Rights

The contrast between the Warring States period and the Qin–Han period leads Michael Loewe to ask 'to what extent the unified empires of Qin and Han maintained easier conditions of living or imposed harsher burdens on the population than the localised kingdoms of China that preceded or followed them' (Loewe 1987: 18). Gu Jiegang, a critical Chinese historian of the early twentieth century, once suggested that political unification by the centralised empire had led to constriction and, ultimately, decay, but the in-between periods of flux, chaos and competition were the most creative eras of Chinese history (Duara 1995: 42). Indeed, in eras of division after the Qin and Han, competing states would again be compelled by international competition to introduce more open policies to attract new talents and develop neglected regions to enlarge their tax bases. Of course, Chinese regimes remained autocratic – just as early modern European regimes were absolutist. But it is worth repeating that the very existence of a multi-state system always gave rise to the 'right of exit', which presented a formidable check against arbitrary power. This 'right of exit' has been overlooked in mainstream Sinology because analysts have uncritically accepted the presumption of Chinese oneness. While state–society bargains would always be revived to some extent in eras of division, they were not altogether lost in eras of unification. Most notably, the underlying principles were kept alive in Confucian rites and principles to which even all-powerful emperors were compelled to at least pay lip service. Though formally unchecked, emperors could be trapped by their own rhetoric. In seeking legitimacy in the Confucian tradition and the Mandate of Heaven, Chinese emperors also subjected themselves to the higher authority of Confucianism and Heaven. As Alan Wood observes: 'Confucianism may have been used to expand the power of the state, but it also provided moral limits to that power' (Wood 1995: 11). Chu Ron Guey points out that, when Han's first emperor Gaozu (r. 202–195 BCE) offered sacrifice to Confucius, he not only legitimised his claim to rule, but also 'exposed himself to being regulated by' the Confucian tradition (Chu 1998: 170). A number of historians have highlighted that, because Confucian rites fostered a 'constitutional culture limiting the exercise of dynastic rule' (Chu 1998: 174), and even 'set limits on the actions and decisions of both the emperor and the bureaucracy and ruled their relations with the population' (Will 2009: 262), they served a 'potentially constitutional function' (Brooks and Brooks 1998: 117) which 'occupie[d] much of the space that in the modern West would be identified with a constitutional order' (Bary 1998b: 43). Moreover, in the Confucian order, however elevated the Son of Heaven made himself, he was ultimately subordinate to Heaven. When Dong Zhongshu reinterpreted the Mandate of Heaven to rest with the Son of Heaven for Han's Emperor Wu, he also 'attempted to curb the arbitrary exercise of the ruler's power by threatening the intervention of Heaven in the form of natural portents and disasters' and by retaining the people's 'right to rebel' (Wood 1995: 13, 154). Pierre-Étienne Will calls this the idea of twin sovereignty: 'the ruler is the master

of men, but the people are “the master of the master of men”: that is, ‘the people’s sovereignty is a *given*, whereas the ruler’s sovereignty is *conditional*’ (Will 2009: 273).

In the more open environment of the Song dynasty (960–1279) (which did not achieve unification of China Proper and faced intense international competition), neo-Confucian scholars further worked out a ‘doctrine of political rights’ (Wood 1995). Song neo-Confucian scholars such as Cheng Yi and Zhu Xi moved away from Han scholars’ emphasis on rites towards ‘heavenly principles’, which ‘transcended the ruler and therefore obliged him to obey them’ (Wood 1995: xi). Alan Wood insists that the theory of ‘heavenly principles’ is strikingly similar to the European conception of natural law because both uphold the belief ‘that there exist certain laws or rules of action that are inherent in human nature and that reflect the rationally apprehensible order of the universe’ (Wood 1995: 136).

Such debates over Confucian rites and principles over the ages testify to the continued existence of the classical bargain of freedom of expression in imperial times, albeit in reduced form. Generations of Confucian scholars followed Xunzi’s dictum: ‘Follow the Way, do not follow the ruler’ (Pines 2009: 179). Will defines ‘freedom of expression’ as ‘the right to remonstrate and to denounce, in memorials sent to the throne, abuses of power’ (Will 2009: 270–1). Theodore de Bary also highlights ‘freedom of discussion’, both in terms of ‘the responsibility Confucian scholars felt to speak out against the abuse of power’ and in terms of ‘the increasing recognition by Neo-Confucians . . . of duly constituted institutions to protect this public discussion’ (Bary 1998c: 109). This ‘literati power’ to criticise emperors was not buttressed, however, by the classical bargain of legal protection. As Will puts it: ‘one could be brutally beaten on order of the emperor, thrown in one of the central governmental jails to die, or at a minimum lose all of one’s ranks and titles. But, nevertheless, one *had* such a right and one could always choose to exercise it’ (Will 2009: 271). In such a harsh institutional environment, the ‘dissenting Confucian tradition’ was ‘unable historically to prevail over the politically more dominant dynastic tradition’ (Bary 1998a: 22). Nevertheless, it does ‘constitute a significant line of Confucian thought from Confucius and Mencius down through Song and Ming scholars to modern times’ (Bary 1998c: 109).

The classical bargain of peasant welfare likewise persisted in the imperial era, again in diminished form. Chinese emperors understood that political stability depended on whether or not the people could maintain a decent livelihood. From the Han on, emperors and officials would always profess to follow the Confucian policy of promoting peasant well-being and maintaining light taxation. And a key government function was to keep track of harvest conditions and grain prices so that famine relief could be efficiently delivered. Nevertheless, the prevalence of tax rebellions testifies to the fragility of this bargain in the imperial era.

A related Confucian ideal – that of local autonomy – was more consistently realised in Chinese history. According to Bary, ‘From the Confucian viewpoint, a large sphere of social activity was rightly governed by voluntary adherence to traditional rites without the intervention of the state and its laws’ (Bary 1998c: 31). As Ho-fung Hung explains, ‘mass Confucianism,’ as opposed to ‘imperial Confucianism’ was ‘reflected in

lineage organ
local-origin t
Évariste Huc
in the ninete
pro forma tha
influential no
were not exa
existence of
governance.
imperial Chi
village level.
county level
cooperation
militias, clan
2007: 24). N
magistrates l
collectors wh
Because cent
they had to t
imperial offic
local notable

Thus, the
rest of Chine
unification.
principle. Bu
be readily di
erations of li
Heaven. But
legal protecti
Sinologists o
were not but
Zongxi (161
capacity for s
legal constrai
ment’ (Bary
‘constitution:

Why did i
take root in C
the very eme
as much a fu
the developm
imperial cou
as in the Son
decline, as it

lineage organisations at the community level and also by pseudo-kinship or common-local-origin ties' (Hung 2009: 82). According to Will, Western visitors such as Father Évariste Huc had indeed observed how village mayors were elected by fellow citizens in the nineteenth century (Will 2005). Of course, such 'village democracy' was more *pro forma* than substantive because the votes were always decided behind the scenes by influential notables before the election dates – just as elections in the Western world were not exactly 'free and fair' in the nineteenth century. Nevertheless, the very existence of the electoral institution does attest to the relative autonomy of local governance. This particular Confucian ideal was more extensively implemented in imperial China partly because the imperial state had no capacity for direct rule at the village level. The central court appointed magistrates down to the department and county levels, but gave them such scanty resources that they had to rely on the cooperation of 'a range of extra-bureaucratic actors and groups, including local militias, clan and lineage associations, and members of the local gentry' (Thornton 2007: 24). Nor did the imperial state provide a budget for support staff so that magistrates had to rely on a sub-bureaucratic staff of clerks, secretaries and tax collectors who made their livings from imposing surtaxes and fees on local populations. Because centrally appointed magistrates relied on local authority and local resources they had to tolerate a certain degree of self-government. It was certainly not lost on imperial officials that most peasant rebellions were started at village levels and led by local notables.

Thus, the state–society bargains inherited from the classical era lingered on in the rest of Chinese history, though they were more theoretical than substantive in eras of unification. The bargain of peasant welfare was always upheld as a core ruling principle. But the prevalence of peasant rebellions suggests that this bargain could be readily discarded. The bargain of freedom of expression was sustained by generations of literati who gave primary loyalty to Confucian principles over the Son of Heaven. But because the right to criticise was not buttressed by another bargain of legal protection, Confucian scholars who exercised this right had to risk their lives. Sinologists often argue that Confucian moral restraints were so weak because they were not buttressed by any institutional support. However, as Bary points out, Huang Zongxi (1610–95) already understood that one could not count on the emperor's capacity for self-restraint and thus sought to 'limit the power of the ruler by defining legal constraints and incorporating them in the organizational structure of government' (Bary 1998b: 49–50). Like previous reformist Confucian ideas, Huang's 'constitutional programme' was not translated into policy.

Why did indigenous ideas of both natural law and constitutional constraints fail to take root in China? The development of local autonomy from the Han on suggests that the very emergence of checking institutions itself has to be explained – and that it was as much a function of the balance of power between the state and the society as it was the development of political ideas. This balance of forces could be altered only when an imperial court faced intense international competition with equally powerful regimes, as in the Song and other eras of division, or when a once powerful dynasty was in decline, as in the late Ming and late Qing.

The Chinese Enlightenment in the Civil War Era

China would experience an Enlightenment in the late Qing and Republican periods, 2,000 years after the classical era. In the Chinese nationalist narrative, modern Chinese history is an episode of national humiliation, chaos and sufferings. Nevertheless, as Stephen MacKinnon argues, fierce international competition 'also politicized the citizenry in a liberating sense' (MacKinnon 1996: 943). The decades from the 1890s to the 1930s represented a time when Chinese intellectuals openly debated the notions of constitutional monarchy, republicanism and democracy. Philip Kuhn points out that the first petition by the educated elite to the Qing court for popular representation in 1895 was 'only conceivable under the duress of imminent foreign conquest' (Kuhn 2002: 123). Orville Schell highlights that the May Fourth era (around 1919) was a great 'Chinese Enlightenment' (Schell 2004: 117). Arthur Waldron observes that the Republican period under the Northern government of 1912–28 was 'a period of professedly parliamentary rule', enjoying 'substantial economic growth . . . freedom of the press . . . and a flowering of culture' (Waldron 2003: 264). Likewise, MacKinnon points out that the short-lived Nationalist–Communist unity government at Hankou in 1938 was marked by power-sharing among rival militarists and thus witnessed 'the absence of the repressive power of the state' (MacKinnon 1996: 935). Against the backdrop of Japanese invasion, 'parliamentary-like debate', 'third-party movements' (independent of both the Nationalists and Communists), the free press and the arts flourished and 'reached a twentieth-century zenith' (MacKinnon 1996: 937). The conclusion of the civil war, unfortunately, again aborted China's democratic experiments. After 1949, totalitarian states emerged on both sides of the Taiwan Strait.

Conclusion

In short, the roots of democracy are not alien to the Chinese tradition. The classical Warring States period gave rise to citizenship rights defined as state–society bargains. After Qin's unification aborted the development of Chinese citizenship, classical bargains were preserved in classical texts, though more as moral doctrines than as actual policies. But the fact that China was more often divided than unified allowed periodic revival of state–society bargains, especially the right of exit. If China has not translated constitutional ideas and state–society bargains into democracy, it is not the fault of the Chinese tradition in general or Confucianism in particular. China's past in fact provides immense resources to build a future that is simultaneously Chinese and democratic. There is some hope that the twenty-first century will provide an opportunity for those resources to be utilised and China's democratic potential to be fulfilled.

Note

1. Following the Chinese convention, Chinese names begin with surnames unless the scholars in question publish in English and go by the English convention.

References

- Bary, W. T. de (19
and Human Rig
 Bary, W. T. de (19
 and M. F. Platt
 Press, pp. 42–5
 Bary, W. T. de
Perspective, Car
 Brooks, E. B. (199
 at the Europear
 College, Unive
 Brooks, E. B. and
Successors, Nev
 Brooks, E. B. and
 A. K. L. Char
 Hawaii Press,
 Chu, R. G. (1998
Confucianism a
 Duara, P. (1995).
 Chicago, IL: U
 Fairbank, J. K. (
 Kierman, Jr at
 University Pro
 Ge, J. X. (1994),
Chinese Histor
 Hahn, C. (2004
 Hobbes, T. (16
 Morgan, Indi
 Hsiao, K. C. (1'
Shang Yang's
 Hui, V. T. (200'
 York: Cambri
 Hung, H. F. (2'
 China, 1740–
 Jones, E. L. (19
 University P
 Kuhn, P. A. (2'
 Press.
 Loewe, M. (198
of China, vo.
 University P
 MacKinnon, S.
War in Mod
 Moravcsik, A.
 Politics', *Int*
 Perry, E. J. (2'
Perspectives

References

- Bary, W. T. de (1998a), 'Introduction', in W. T. de Bary and T. Weiming (eds.), *Confucianism and Human Rights*, New York: Columbia University Press, pp. 1–26.
- Bary, W. T. de (1998b), 'Confucianism and Human Rights in China', reprinted in L. Diamond and M. F. Plattner (eds), *Democracy in East Asia*, Baltimore, MD: Johns Hopkins University Press, pp. 42–54.
- Bary, W. T. de (1998c), *Asian Values and Human Rights: A Confucian Communitarian Perspective*, Cambridge, MA: Harvard University Press.
- Brooks, E. B. (1998), 'Evolution Toward Citizenship in Warring States China', paper presented at the European–North American Conference on 'The West and East Asian Values', Victoria College, University of Toronto.
- Brooks, E. B. and A. T. Brooks (1998), *The Original Analects: Sayings of Confucius and His Successors*, New York: Columbia University Press.
- Brooks, E. B. and A. T. Brooks (2002), 'The Nature and Historical Context of the *Mencius*', in A. K. L. Chan (ed.), *Mencius: Contexts and Interpretations*, Honolulu, HI: University of Hawaii Press, pp. 242–81.
- Chu, R. G. (1998), 'Rites and Rights in Ming China', in W. T. de Bary and T. Weiming (eds), *Confucianism and Human Rights*, New York: Columbia University Press, pp. 169–78.
- Duara, P. (1995), *Rescuing History from the Nation: Questioning Narratives of Modern China*, Chicago, IL: University of Chicago Press.
- Fairbank, J. K. (1974), 'Introduction: Varieties of the Chinese Military Experience', in F. A. Kierman, Jr and J. K. Fairbank (eds), *Chinese Ways in Warfare*, Cambridge, MA: Harvard University Press, pp. 1–26.
- Ge, J. X. (1994), *Tongyi yu fenlie: Zhongguo lishi de qishi (Unification and Division: Insights from Chinese History)*, Beijing: Shenghuo, dushu, xinzhi sanlian shudian.
- Hahn, C. (2004), 'The Ironies of Confucianism', *Journal of Democracy*, 15(3), 93–107.
- Hobbes, T. ([1651] 1992), *Leviathan*, in *Classics of Moral and Political Theory*, ed. Michael Morgan, Indianapolis, IN: Hackett, pp. 571–732.
- Hsiao, K. C. (1977), 'Legalism and Autocracy in Traditional China', in Yu-ming Li (ed.), *Shang Yang's Reform and State Control in China*, New York: M. E. Sharpe, pp. 125–43.
- Hui, V. T. (2005), *War and State Formation in Ancient China and Early Modern Europe*, New York: Cambridge University Press.
- Hung, H. F. (2009), 'Cultural Strategies and the Political Economy of Protest in Mid-Qing China, 1740–1839', *Social Science History*, 33(1), 75–115.
- Jones, E. L. (1981), *Growth Recurring: Economic Change in World History*, New York: Oxford University Press.
- Kuhn, P. A. (2002), *Origins of the Modern Chinese State*, Stanford, CA: Stanford University Press.
- Loewe, M. (1987), 'Introduction', in D. Twitchett and M. Loewe (eds), *The Cambridge History of China, vol. 1: The Ch'in and Han Empires, 221 BCE–AD 220*, New York: Cambridge University Press, pp. 1–19.
- MacKinnon, S. (1996), 'The Tragedy of Wuhan, 1938', *Modern Asian Studies*, Special Issue: *War in Modern China*, 30(4), 931–43.
- Moravcsik, A. (1997), 'Taking Preferences Seriously: A Liberal Theory of International Politics', *International Organization*, 51(4), 513–53.
- Perry, E. J. (2008), 'Chinese Conceptions of "Rights": From Mencius to Mao – and Now', *Perspectives on Politics*, 6(1), 37–50.

liberal periods, modern Chinese. Nevertheless, as politicized the from the 1890s to d the notions of points out that representation in conquest' (Kuhn 1919) was a great serves that the as 'a period of . . . freedom of ise, MacKinnon nent at Hankou s witnessed 'the 35). Against the rty movements' ess and the arts 996: 937). The nocratic experi-Taiwan Strait.

in. The classical society bargains. enship, classical octrines than as unified allowed If China has not acy, it is not the : China's past in tsly Chinese and will provide an atic potential to

unless the scholars

- Pines, Y. (2009), *Envisioning Eternal Empire: Chinese Political Thought of the Warring States Era*, Honolulu, HI: University of Hawaii Press.
- Schell, O. (2004), 'China's Hidden Democratic Legacy', *Foreign Affairs*, 83(4), 116–24.
- Shi, S. (2007), 'Qin-Han zhijian weihe loudiao yige Chu wangchao?' ('Why is a Chu Dynasty Missing during the Qin-Han Transition?'), interview with Zhibo Lin, People Network.
- Tan, Q. X. (2000), '*Lishishang de zhongguo (Historical China)*', in *Qiusuo shikong (An Exploration of Time and Space)*, Tianjin: Baihua wenyi.
- Tilly, C. (1992), *Coercion, Capital, and European States, AD 990–1992*, Oxford: Blackwell.
- Thornton, P. M. (2007), *Disciplining the State: Virtue, Violence, and State-Making in Modern China*, Cambridge, MA: Harvard University Asia Center.
- Waldron, A. (2003), *From War to Nationalism: China's Turning Point, 1924–1925*, New York: Cambridge University Press.
- Watson, B. (1989), *The Tso chuan [Zuo chuan]: Selections from China's Oldest Narrative History*, translation with a commentary, New York: Columbia University Press.
- Weber, M. (1991), *From Max Weber*, H. H. Gerth and C. Wright Mills (eds), London: Routledge & Kegan Paul.
- Will, P. (2005), "'Democratic China" in the 19th Century', speech delivered at St John's College, University of British Columbia, 24 October.
- Will, P. (2009), 'Epilogue: Virtual Constitutionalism in the Late Ming Dynasty', in Stéphanie Balme and Michael W. Dowdle (eds), *Building Constitutionalism in China*, New York: Palgrave Macmillan, pp. 261–74.
- Wood, A. (1995), *Limits to Autocracy: From Sung Neo-Confucianism to a Doctrine of Political Rights*, Honolulu, HI: University of Hawaii Press.
- Wong, R. B. (1997), *China Transformed: Historical Change and the Limits of the European Experience*, Ithaca, NY: Cornell University Press.
- Xu, J. X. (1988), *Zhongguo gudai shehui (Ancient Chinese Society)*, Taipei: Taipei shangwu.

The Greeks m
 idea, but even
 that evolved o
 stable and effe
 democracy is
 democracy ma
 his book, *Blac*
 Greek society
 establish the c
 Greek city-sta
 results of diffi
 textual eviden
 the Greeks to
 scientific met
 government fi
 The notion
 cratic *polis* rai
 these experim
 earliest cities i
 has been discu
 deserves parti
 neighbours an
 anti-Nazi activ
 relationship w
 created a lead
 underwrote a
 ancient Israel
 This chapte
 states of Israe
 monarchies we
 the people ha
 Phoenicia forr
 racy: equality,