

Confucian Constitutionalism: Mencius and Xunzi on Virtue, Ritual, and Royal Transmission

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Abstract: By examining Xunzi's and Mencius's contrary reactions toward royal transmission by individual merit or "abdication" (*shanrang* 禪讓), this article attempts to reveal the distinctive features of their respective political theories, which I reconstruct in terms of *lizhi* constitutionalism and *dezhi* constitutionalism. Resisting the conventional tendency to capture Mencius's and Xunzi's political theories in such dichotomous terms as idealism and realism, this paper draws attention to the complex mixture of idealism and realism found in both thinkers' constitutional political theories and identifies such common ground in terms of "Confucian constitutionalism." This paper presents Mencius's idealistic defense of abdication and his realistic resolution of the constitutional crisis latent in it, then it examines Xunzi's refutation of the three conventional rationalizations of abdication, and it concludes by recapitulating the common Confucian constitutionalist ground that Mencius and Xunzi shared and discussing its implications for the study of constitutional theory.

Introduction¹

Confucianism and Constitutionalism: What Is at Issue?

Does constitutionalism exist in Chinese Confucian political thought? Up until the mid-twentieth century, Chinese Confucian politics was understood essentially in terms of a patriarchal "rule by man" (*renzhi* 人治) in which the empire was the private possession of the ruler whose ruling legitimacy was based solely on hereditary right. If there was *any* positive political role that Confucianism played, it was that the Confucian discourse of virtue and ritual helped cover up the Legalistic face of the all-encompassing hereditary ruler with the image of the benevolent father and the rhetoric of "benevolent rule" (*renzhi* 仁治). In this interpretation, the real engine that propelled

¹This introductory section has two parts. The first part, which is intended mainly for readers unfamiliar with Chinese political thought, outlines the Chinese Confucian political context in which the question of constitutionalism emerged in its own Confucian terms. The second part presents an argument focused on the issue of royal transmission and its Confucian constitutional implications.

Chinese politics under this benign mask was a “rule by law” or “Legalism” (*fazhi* 法治), which was singularly devoted to serving the ruler's interest and at the core of which were bureaucratic apparatuses effectively controlled by the manipulation of rewards and punishments.²

The problematic alliance (or intertwining) of rule by law and benevolent rule, on this view, was firmly institutionalized in the empire during the Han dynasty (206 BCE–220 CE).³ As the empire, founded on Legalism, employed Confucianism (especially its patriarchal elements) as its “official” ruling ideology,⁴ Confucianism degenerated into so-called Legalistic Confucianism, in which Confucian ethics, originally focused on moral self-cultivation and the moral transformation of the world, became massively politicized in the service of the monarchial order and bureaucratic hierarchy of the empire.⁵ Under this Legalistic Confucian political structure, there could

²See, for instance, Etienne Balazs, *Chinese Civilization and Bureaucracy: Variations on a Theme*, trans. H. M. Wright, ed. Arthur F. Wright (New Haven: Yale University Press, 1964); Karl Wittfogel, *Oriental Despotism: A Comparative Study of Total Power* (New Haven: Yale University Press, 1957); Max Weber, *The Religion of China: Confucianism and Taoism*, trans. Hans H. Gerth (New York: Free Press, 1951). On Chinese Legalism, see Zhengyuan Fu, *China's Legalists: The Earliest Totalitarians and Their Art of Ruling* (Armonk, NY: M. E. Sharpe, 1996).

³The first “empire” in China was established when Qin unified the old territory of the Zhou dynasty (1045–256 BCE) called *tianxia* 天下 (literally, “all under heaven”), which was then divided into several states (*guo* 國), by means of supreme military force (221 BCE). However, this first empire undergirded by Legalism was destroyed in fifteen years by a peasant rebellion, and the Chinese empire was successfully fortified only after the Han dynasty, which lasted several hundred years. China under control of the Zhou King, who was called the Son of Heaven (*tianzi* 天子), was not understood to be an empire, a unified or enlarged state (*guo*) under the rule of an emperor with supreme military force. Rather, the territory of the Son of Heaven was envisioned in terms of a moral-political and cultural boundary called *tianxia* that separates the Chinese people from barbarians. I am grateful to one of the anonymous reviewers for clarifying the difference between empire and *tianxia* in the context of Chinese political thought.

⁴Though earlier emperors of Han adopted *Huanglao* (instrumentalized Daoism)—statecraft that aimed to minimize the ruler's purposeful political actions in the name of *wuwei* 無爲 (literally, “non-action”)—to appease the people who had been oppressed by the tyrannical rule during the Qin dynasty which lasted only fifteen years, Emperor Wu (r. 141–87 BCE) employed it as both ruling ideology and the official code of ethics for the empire. Through his efforts the Confucian bureaucratic system was firmly established. While Emperor Wu, an absolutist ruler, adopted Confucianism strictly for political purposes, Emperor Guanwu (r. 25–57 CE) was genuinely attracted to the Confucian ideal of rule by ritual and elevated it to the highest principle.

⁵On the historic formation of Legalistic Confucianism and Legalism during the Han dynasty, see Joseph R. Levenson and Franz Schurmann, eds., *China: An Interpretive History from the Beginnings to the Fall of Han* (Berkeley: University of California Press,

be no room for a constitutional arrangement that could effectively constrain the bureaucratically centralized imperial power in which political power can be exercised with moral and political legitimacy.

Recently, however, students of Confucianism have challenged this popular account of traditional Confucian politics in China. Their common argument is that Confucian rituals (*li* 禮), generally understood as enhancing docility in the people, in effect exercised a critical “constitutional” function by constraining arbitrary use of power by the ruler. According to this new interpretation, the Confucian ruler is not above the *li*. On the contrary, the ruler is systematically controlled by the *li* (negative constitutionalism) that simultaneously confers moral and political authority on him and enables him to maneuver politically (positive constitutionalism).⁶ Chaihark Hahm suggests that

in East Asia the constitutionalist goal of putting effective restraint on the government and the educative goal of creating citizens who will demand such restraint should be pursued by taking into account this cultural idiom and vocabulary of Confucianism. Among the Confucian terms and concepts, I would like to suggest that “ritual propriety” can provide a fruitful means of appropriating the Confucian cultural idiom for the project of establishing constitutionalism. ... This is because the Confucian notion of *li* lies at the intersection of politics and education. It is a marvelous combination of education, self-cultivation, training, discipline, restraint, authority, and legitimacy.⁷

If it is agreed that constitutionalism, which at once enables and constrains political power, is a widespread and adaptable phenomenon capable of insinuating itself into institutions in multiple ways, then understanding constitutionalism in an unfamiliar culture will require attention to the local language by which constitutionalism is mediated, the local context in which such a language is deployed, and the grammar that governs such a context. I agree with Hahm (and others) that *li* was an important component of Confucian constitutionalism that provided much of its language and grammar.

1971). Weiming Tu calls Legalistic Confucianism a “politicized Confucianism,” and distinguishes it from original Confucianism advanced by thinkers before Qin (221–205 BCE) (especially Mencius). Wei-ming Tu, “Probing the ‘Three Bonds’ and ‘Five Relationships’ in Confucian Humanism,” in *Confucianism and the Family*, ed. Walter H. Slote and George A. DeVos (Albany: SUNY Press, 1998).

⁶See Hahm Chaihark, “Constitutionalism, Confucian Civic Virtue, and Ritual Propriety,” in *Confucianism for the Modern World*, ed. Daniel A. Bell and Hahm Chaibong (Cambridge: Cambridge University Press, 2003), 31–53, and Jaeyoon Song, “The *Zhou Li* and Constitutionalism: A Southern Song Political Theory,” *Journal of Chinese Philosophy* 36, no. 3 (2009): 423–38.

⁷Hahm, “Constitutionalism, Confucian Civic Virtue, and Ritual Propriety,” 43.

Li, however, was only one of the components (albeit an important one) that buttressed Confucian constitutionalism. Although Confucius (re)defined politics or government (*zheng* 政) in terms of “correction [of the ruler and the people]” (*zheng* 正) and presented the *li* as a sociopolitical apparatus for such moral correction,⁸ this does not mean that Confucian sociopolitical ethics is directly analogous to the ethical system of the *li*.⁹ One of the critical problems in understanding Confucian constitutionalism exclusively in terms of “rule by ritual” (hereafter *lizhi* 禮治) is that it does not do justice to the other dimension of Confucian constitutionalism, often identified in terms of “rule by virtue” (hereafter *dezhi* 德治), a moral-political viewpoint that finds the essence of government in the moral cultivation of the people by the transformative power of the ruler's moral virtue.

It should be noted that in Confucius's political thinking, the tension between *dezhi* and *lizhi* was only latent. Having lived during the last stage of the Spring and Autumn period (770–476 BCE) in which the civilization of the Zhou dynasty (1045–256 BCE)¹⁰ that he so idealized was only nominally existent, Confucius (551–479 BCE) made it his heaven-given mission to advocate civil culture (*wen* 文) predicated on the *li*. Thus Confucius unflinchingly exhorted the rulers, who were preoccupied with military force and economic profit, toward the *li* as he believed the *li* socially embodied the spirit of *ren* 仁 (benevolence or human-heartedness), the Confucian moral virtue par excellence. Confucius believed the ideal civil order could be attained only if the ruler submits himself to the *li* and thereby cultivates moral virtue (*de* 德), and that only a virtuous ruler would be able to transform the people morally. In short, by rediscovering the moral and civil value in the *lizhi* of the Zhou civilization and by identifying *lizhi* with *dezhi* in mediation of *ren*, Confucius offered an alternative paradigm of politics to the one by force.

During the Warring States period (475–221 BCE) in which the habits of *Realpolitik* were intensified among the nominally feudal but actually independent states, Mencius (372–289 BCE) and Xunzi (ca. 312–230 BCE) emerged as

⁸On Confucius's understanding of *zheng* 政 (politics or government) in terms of *zheng* 正 (literally, “correction,” but more accurately “moral rectification”), see *Analects* 12:17; 13:6. For Confucius's endorsement of the use of *li* as the primary sociopolitical mechanism of moral rectification of the people, see *Analects* 2:3.

⁹Most notably, Herbert Fingarette in his *Confucius: The Secular as Sacred* (New York: Harper and Row, 1972) reduces Confucian ethics to ritual ethics, or “role ethics,” as some recent Confucian scholars call it.

¹⁰Zhou was the suzerain state directly under the rule of the Son of Heaven, and it allegedly created a highly humanistic civilization called *wen* 文 (as opposed to *wu* 武, the military force), which was organized by and operating on the *li* where the *li* mainly referred to the Clan Law (*zongfa* 宗法) that governed the moral and political relationship between the suzerain Zhou court and the feudal states (whose lords were often but not always related by blood to the Zhou King) and by extension all major moral and sociopolitical human relationships.

the strongest advocates of Confucianism. However, while both were unwaveringly committed to the Confucian Kingly Way (*wang dao* 王道),¹¹ the two advanced very different, almost contrasting, interpretations of Confucian political thought. Mencius attributed the degeneration of civilization to the fact that man neglected heaven-bestowed morality and succumbed to his animal desires. To restore the moral order of society, therefore, it was imperative (especially for a ruler) to animate and fully develop his innate morality. In other words, Mencius believed that by becoming virtuous, a ruler who was once preoccupied with military force and material interest could be reconnected with heaven,¹² thereby realizing the benevolent government (*ren zheng* 仁政). As a champion of Confucian virtue ethics, he even justified the killing of tyrants who had ruined their states and disrupted the moral order between man and heaven.

Xunzi, however, found Mencius's moral cosmology to be "un-Confucian." In his view, the anarchic state of his time arose from human nature which is self-interested and passion driven, and this amoral state had to be rectified artificially by means of the Kingly Way consisting of "Ritual (*li* 禮), Music (*yue* 樂), Penal Codes (*xing* 刑), and Royal Ordinances (*zheng* 政)" (hereafter LYXZ),¹³ discovered by the ancient sage-kings. While embracing the Confucian *dezhi* ideal in principle, Xunzi opposed Mencius, who seemed to reduce Confucian political ethics to virtue ethics, and instead reinterpreted Confucianism from the perspective of *lizhi*. Thus, these second-generation Confucian political thinkers firmly established *dezhi* and *lizhi* as the two main pillars buttressing Confucian *Moralpolitik*,¹⁴ which is devoted to the welfare of the people, in opposition to the *Realpolitik* of Legalism. The two pillars, however, were presented as two separate, often competing, models of Confucian constitutionalism—*dezhi* constitutionalism versus *lizhi* constitutionalism.

¹¹In the Confucian political tradition, the Kingly Way (*wang dao*) refers to the mode of statecraft that the ancient sage-kings allegedly employed to serve the welfare of the people. It is often contrasted to "Hegemonic Rule" (*ba dao* 霸道), which concentrated on political power and economic profit.

¹²On the way in which Mencius's political philosophy of kingship is internally connected to his moral cosmology of heaven, see Julia Ching, *Mysticism and Kingship in China: The Heart of Chinese Wisdom* (Cambridge: Cambridge University Press, 1997), 99–102.

¹³In Confucian political tradition, the *Li Yue Xing Zheng* is an idiom that denotes the totality of the Confucian moral and political institution. This concept is most pronounced in Xunzi's political theory.

¹⁴We can distinguish a politics to which morals are inextricably fused from *Realpolitik* which is absolutely unconstrained by moral concerns by calling the former *Moralpolitik*. See Sangjun Kim, "The Genealogy of Confucian *Moralpolitik* and Its Implications for Modern Civil Society," in *Korean Society: Civil Society, Democracy, and the State*, ed. Charles K. Armstrong (London: Routledge, 2002).

The purpose of this article is to reconstruct these two pillars of Confucian constitutionalism by thoroughly rereading the texts of the *Mengzi* and the *Xunzi*. I follow recent scholarship by using *constitution* to refer to “the body of doctrines and practices that form the fundamental organizing principles of [a] political state”¹⁵ and *constitutionalism* to refer to the ideas or norms related to restraining and legitimately enabling political power of the state or of the ruler.¹⁶ Obviously, this understanding of constitutionalism primarily as organizing principles or ideas/norms does not describe its concrete institutional operation, for example, how power is divided into smaller parts so that it becomes less threatening, or how power is counterbalanced by another power of similar size and strength so that it does not become larger or stronger.¹⁷ The focus of this essay is on the philosophical foundation of Confucian constitutionalism—how virtue and ritual, two key components of Confucian constitutionalism, constitute and restrain political power and how they must be related to achieve this goal.¹⁸

More specifically, I investigate whether Mencius's and Xunzi's political theoretical positions with regard to Confucian constitutionalism are opposed to each other (as they appear to be) or whether they are complementary despite their different moral philosophical premises. To do so, I pay special attention to Xunzi's criticism of Mencius's idealization of royal transmission between sages by individual merit or “abdication” (*shanrang* 禪讓)¹⁹ in Book 18 of the *Xunzi* by interpreting it as a political theoretical critique of *dezhi* constitutionalism from the standpoint of *lizhi* constitutionalism. But before delving into the texts, I will briefly discuss the political theoretical

¹⁵Song, “The *Zhou Li* and Constitutionalism,” 423.

¹⁶See Chaihark Hahm, “Ritual and Constitutionalism: Disputing the Ruler's Legitimacy in a Confucian Polity,” *American Journal of Comparative Law* 57 (2009): 135–41.

¹⁷As Song's essay, cited above, shows, among the ancient Confucian texts, *Zhou Li* 周禮 describes the institutional operation of Confucian constitutionalism.

¹⁸One may wonder whether this broad understanding of constitution/constitutionalism presents Confucian constitutionalism *in its own terms*. After all, *dezhi* and *lizhi* were rarely discussed in an explicit manner by early Confucian thinkers as ways of governing or organizing the people. Their preferred word for *zhi* 治, which I translate as constitutionalism, was “the Kingly Way” (*wang dao*), and the Confucian constitutional government operating on the Kingly Way was called “benevolent government” (*ren zheng*). My point is simply that *dezhi* and *lizhi* constituted the core of the *wang dao* (or *ren zheng*) and that it is possible to see a uniquely Confucian constitutional and political dynamic *in those terms*—a dynamic that can hardly be captured in Western constitutional/political terms such as “law,” “right,” or “*Rechtsstaat*.”

¹⁹Though the English term “abdication” does not convey the Confucian moral ideal of “yielding to the worthy,” I nevertheless adopt this term for the Chinese concept of *shanrang*, following the conventional contrast between abdication and hereditary succession.

implications of defending or rejecting the idea of abdication in the Confucian tradition and clarify the core questions that this essay will explore.

The Case of Royal Transmission and the Core Questions

In *The Trouble with Confucianism*, William de Bary identifies one of the “troubles” of the Confucian tradition as the shift from abdication, which was idealized by both Confucius and Mencius, to hereditary transmission. According to de Bary, this shift involves a serious violation of the goals and standards that Confucianism originally set for itself because the hereditary transmission of throne inevitably violates the grand premise of the Confucian tradition: that the Confucian king is a “sage-king” (*sheng wang* 聖王) in whom moral authority and political power are inextricably intertwined.²⁰ In the Confucian ethico-political tradition, the sage-king, whose official title is the Son of Heaven, is understood to be the paradigmatic man who encompasses both moral and political charisma and mediates between *Tian* 天 (heaven) and men. For this reason, Mencius extolled the Way employed by the sage-kings Yao and Shun as “the culmination of humanity.”²¹ Xunzi, otherwise known as Mencius’s most vehement critic, also understood the sage-king to be a cultural and political hero who transformed the anarchic state of nature into a civilized state by means of the LYXZ.²² The hereditary transmission of kingship tarnishes the brilliant ethico-religious, political, and cultural aura attached to the ideal of sage-king. In contrast, from the standpoint of hereditary transmission, the Confucian ideal of abdication is inherently subversive as it valorizes the ruler’s purely personal moral charisma but rejects its institutionalization.

What is interesting is that Xunzi rejected the abdication legend (and by implication, the abdication doctrine) in spite of its idealization by many earlier Confucians, including Mencius.²³ If it is granted that the abdication doctrine was indeed contrived to criticize the anti-Confucian reality of hereditary transmission, it can be inferred that by rejecting the abdication legend (and doctrine), Xunzi affirmed the reality of hereditary royal transmission.²⁴ In what follows, I argue that Xunzi’s and Mencius’s different reactions toward

²⁰W. Theodore de Bary, *The Trouble with Confucianism* (Cambridge, MA: Harvard University Press, 1991), 1–2.

²¹Mencius 4A:2

²²Xunzi 23:2a. All English translations of the text of the *Xunzi* are adopted from John Knoblock, *Xunzi: A Translation and Study of Complete Works*, 3 vols. (Stanford: Stanford University Press, 1988–1994).

²³Mencius 5A:5.

²⁴See Henry Rosemont Jr., “State and Society in the : A Philosophical Commentary,” in *Virtue, Nature, and Moral Agency in the “Xunzi,”* ed. T. C. Kline III and Philip J. Ivanhoe (Indianapolis: Hackett, 2000), 6.

abdication (rejection versus affirmation) are indeed associated with their respective, seemingly opposed, views of human nature,²⁵ and that their disagreement about human nature did lead to distinctive normative political theorizations in the Confucian tradition. More specifically, I draw attention to the complex nature of the two thinkers' respective political theories—the political realism integral to Mencius's apparently idealistic political thought and the political idealism integral to Xunzi's otherwise realistic political thought—and thereby to the much underappreciated common ground between Mencius's and Xunzi's *political* thoughts in “Confucian constitutionalism.” From the perspective of Confucian constitutionalism, this article opposes the widely held view that Xunzi's refusal of the abdication doctrine attests to his realistic affirmation of royal transmission and its validity. At the same time, it argues that despite the apparent theoretical/logical match between abdication and the right to rebellion and tyrannicide in Mencius's seemingly idealistic political reasoning,²⁶ Mencius's abdication doctrine does not logically entail the right to rebellion. Rather, it will be shown, Xunzi, who rejects the abdication doctrine, is in better position to justify the right to rebellion and tyrannicide. In what follows, this essay presents Mencius's idealistic defense of abdication and his realistic resolution of the constitutional crisis latent in abdication in terms of *dezhi* constitutionalism. It then examines Xunzi's refutations of the three conventional rationalizations of abdication from the perspective of *lizhi* constitutionalism. It concludes by recapitulating the common Confucian constitutionalist ground that Mencius and Xunzi shared as advocates of the Kingly Way and discussing its implications for contemporary Chinese constitutionalism.

Mencius's Defense of Abdication and *Dezhi* Constitutionalism

I

The last book of *Lunyu* records the cases of abdication that allegedly took place first between Yao and Shun and then between Shun and Yu:

Yao said,
“Oh—you Shun!

²⁵It is true that Mencius and Xunzi presented different views of human nature, but this difference is only apparent. Mencius and Xunzi focus on different dimensions of human nature. Likewise, the difference between Mencius's political idealism and Xunzi's political realism has more to do with their different understandings of kingship.

²⁶Both ideas attribute the essence of Confucian politics to the ruler's *personal* moral virtue.

The line of succession conferred by *Tian* 天 rests on your person.
 Grasp it sincerely and without deviation (*yun zhi qi zhong* 允執其中).
 If all within the four seas sink into dire straits,
Tian's charge will be severed utterly."
 In just this manner, Shun in due course also ceded his throne to Yu.²⁷

What is striking here is that there is “neither conquest nor struggle, neither antagonist, nor rival to overcome, nor any countervailing power to be met,” as de Bary notes.²⁸ In this mythic spectacle, power is either nonexistent from the beginning or has been completely erased. What is salient, instead, is virtue (*de*), which is presented as the sole foundation of political authority of sage-kings Yao and Shun. Therefore, what Yao calls “*Tian*-conferred line of succession” not only refers to the power-line or the Princely-Line (*wang tung* 王統) but also includes the line of charismatic virtue, namely, the Sagely-Line (*dao tung* 道統).

However, a problem arises: How does the reigning king (the Son of Heaven) appoint his successor? How can the appointments of Shun and Yu (by Yao and Shun) be morally and politically justified? The famous conversation between Mencius and Wan Zhang in *Mencius* 5A:5 centers around the logical predicament that abdication legend is exposed to. The following is the first half of the conversation.

Wan Zhang: Is it true that Yao gave the *tianxia* to Shun?

Mencius: No, the King [the Son of Heaven] cannot give the *tianxia* to another.

W: In that case who gave the *tianxia* to Shun?

M: *Tian* gave it to him.

W: Does this mean that *Tian* gave him detailed and minute instructions?

M: No, *Tian* does not speak but reveals itself through its acts and deeds.

W: How does *Tian* do this?

M: The King can recommend a man to *Tian* but he cannot make *Tian* give this man the *tianxia*. ... In antiquity, Yao recommended Shun to *Tian* and *Tian* accepted him; he presented him to the people and the people accepted him. Hence I said, “*Tian* does not speak but reveals itself by its acts and deeds.”²⁹

²⁷*Analects* 20:1. It is generally agreed that Book 20 of the *Lunyu* (“Yao yue” 堯曰) is a later interpolation, perhaps after the rise of Moism (墨家), which popularized the abdication legend (see H. G. Creel, *Confucius and the Chinese Way* [New York: Harper and Row, 1949], 182–210). This philological issue, however, does not affect my claim that by the later Warring States period when Mencius and Xunzi were active, the abdication legend had become popular both in the Confucian school and with the general public.

²⁸De Bary, *The Trouble with Confucianism*, 2.

²⁹All English translations of the text of the *Mengzi* are adopted from D. C. Lau, trans., *Mencius* (New York: Penguin, 1971), with one exception: whereas Lau translates the Chinese term “*tianxia*” as “empire,” I prefer to use the original Chinese term, for

Mencius's argument is (i) *tianxia* ("all under heaven," or simply "world") is not the private property of the king, who is in principle the sage-king and whose official title is "the Son of Heaven (*tianzi* 天子);³⁰ (ii) therefore, the king cannot (or is not entitled to) make a personal, purely discretionary, decision to hand over the *tianxia* to another person, no matter how "sagacious" his virtue seems to be; (iii) as the public power to reign over "all under heaven," kingship must be transmitted "in due course" and the final source of such a procedural legitimacy lies in the Mandate of Heaven (*tianming* 天命); (iv) finally, kingship that has been conferred by the Mandate of Heaven will *naturally* be accepted by the people.

The last point requires special attention. Here Mencius does not seem to have in mind two separate (and distinct) sources of moral and political legitimacy of kingship—Mandate of Heaven *and* the people's acceptance. Rather, he believes the people's behavior tracks (or parallels) the will of heaven (*tian*). Because of his belief in radical identification of the people with heaven, Mencius is often regarded as a protodemocratic thinker.

But can heaven be straightforwardly identified with the people in a nonideal political situation? Is it not more realistic to assume that a king, allegedly appointed by heaven, *ought* to be accepted by the people to gain moral and political legitimacy, and not that he *will naturally* be? The trouble is in the very equation of heaven with people, because from it, two substantially different propositions can be derived: (i) It is logically impossible for the people to refuse the king whose political legitimacy has been conferred by the Mandate of Heaven (because in theory the Mandate of Heaven should coincide with the will of the people). (ii) The man who has the support of the people has the Mandate of Heaven as well. To clarify Mencius's position, let us examine the latter half of the conversation between Mencius and Wan Zhang.

W: May I ask how he was accepted by *Tian* when recommended to it and how he was accepted by the people when presented to them?

M: When he was put in charge of sacrifices, the hundred gods enjoyed them. This showed that *Tian* accepted him. When he was put in charge of affairs, they were kept in order and the people (*bai xing* 百姓) were content. This showed that the people (*min* 民) accepted him. ... Hence I said, "The King cannot give the *tianxia* to another." Shun assisted Yao for twenty-eight years. ... Yao died, and after the mourning period of three years, Shun withdrew to the south of Nan Ho, leaving Yao's son in possession of the field, yet the feudal lords of the *tianxia* coming to pay homage and those who were engaged in litigation went to Shun,

reasons explained above in note 3. Accordingly, "*tianzi*," which Lau translates "emperor," is here translated "king."

³⁰In later Confucianism, this idea was established in terms of *Tianxia wei gong* 天下爲公 (all under heaven belong to the general public).

not to Yao's son, and ballad singers sang the praises of Shun, not of Yao's son. Hence I said, "It was brought about by *Tian*." Only then did Shun go to the Middle Kingdom and ascend the throne. If he had just moved into Yao's palace and ousted his son, it would have been usurpation of the *tianxia*, not receiving it from *Tian*.

Here we can see that Mencius has two classes of "people" in mind who vicariously represent the *Tian* and accept the new Son of Heaven—the laypeople (*min* 民 or *bai xing* 百姓, literally "hundred surnames") and the feudal lords. What is implied by Mencius's statement is that heaven's approval can be confirmed only when both laypeople and feudal lords accept the new king. The question is whether there is any politically meaningful difference in the mode of *acceptance* of the new king between the laypeople and the feudal lords.

Generally, the Chinese term "*min*" or "*bai xing*" means people in their capacity as subjects; in its conventional usage, it does not refer to nobility. For example, when depicting the scene in which sage-king Tang (or Wu) was engaged in the punitive expedition of tyrant Jie (or Zhou), by the "people" Mencius meant the laypeople.³¹ Likewise, when Mencius was encouraging King Xuan of Qi to share his joy with his "people," he no doubt had in mind laypeople including the worst-off members of society, such as widows, widowers, and orphans. These are the people who sing songs of praise to the new king and welcome him by approaching him on the road.

As the above conversation shows, however, in some contexts, Mencius broadens the scope of the "people" so that it can encompass nobility, be they ministers in the feudal state or (albeit very rarely) feudal lords in the *tianxia*. Even more rarely, he uses the term "people" (in this case *zhong* 衆, not *min*) to refer to the aristocratic class. For instance, Mencius admonishes King Xuan of Qi, who had just annexed Yan (a state almost the same size as Qi), for violating the Confucian norm of just war:³²

Now you double your territory without practicing benevolent government. This is to provoke the armies of the whole *tianxia*. If you hasten to order the release of the captives, old and young, leave the valuable vessels where they are, and take your army out after *setting up a ruler in consultation with the men of Yan*, it is still not too late to halt the armies of the *tianxia*.³³

It seems more reasonable to assume that "the men (*zhong* 衆) of Yan" that Mencius recommends King Xuan to consult with during the process of

³¹*Mencius* 1B:11.

³²Daniel Bell, "Just War and Confucianism: Implications for the Contemporary World," in *Beyond Liberal Democracy: Political Thinking for an East Asian Context* (Princeton: Princeton University Press, 2006), 23–51.

³³*Mencius* 1B:11 (emphasis added).

restoring Yan's royal authority are Yan's "trusted ministers of the noble families" (*shi chen* 世臣)³⁴ than to believe that they refer to Yan's entire population. Indeed, this interpretation is textually supported. Mencius defines the old (and, by implication, stable and well-ordered) state as the state that has (many) ministers of the noble families.³⁵ He further stresses the pivotal importance of the ministers in governing the (feudal) state: "It is not difficult to govern. All one has to do is not to offend the [trusted ministers of the] noble families. Whatever commands the admiration of the [trusted ministers of the] noble families will command the admiration of the whole state; whatever commands the admiration of a state will command the admiration of the *tianxia*."³⁶

In short, Mencius divides the subjects of the king into two distinct groups: passive subjects consisting of laypeople who are the beneficiaries of the benevolent government, and active subjects such as feudal lords (in the *tianxia*) or ministers of the noble families (in the feudal state). This distinction shows that the "people" who are entitled to approve of the king are feudal lords (if at issue is the Son of Heaven) or ministers of the noble families (if at issue is the feudal lord). Unless approved by the active subjects (feudal lords or ministers of the noble families), the candidate for a royal position cannot attain ruling legitimacy even with support from the laypeople.

Therefore, given the ingrained class distinction among the people and specific political rights (passive or active) tacitly attached to each class in Mencius's abdication doctrine, it would be a mistake to understand Mencius's justification of abdication as an expression of naive idealism. Quite the contrary, Mencius's seemingly idealistic identification of people with heaven could mean *in practice* that the Mandate of Heaven is represented vicariously by the will of active subjects. The implications of Mencius's "realism" are indeed far-reaching: Mencius's justification of abdication, originally focused on the sage-king's charismatic rule, can be subverted to serve the ministers' interest, that is, to uphold the ministers' political authority to approve and occasionally constrain royal power.

Mencius, however, does not forget that the ministers' political authority is always a power *vis-à-vis* the kingship and therefore that ministership (political right, authority, and power of the ministers) is fundamentally dependent upon the existence of (nonideal) kingship. In my judgment, the most striking part of Mencius's political theory is the surprising conservative turn that Mencius takes—from his original espousal of abdication to defense of hereditary kingship, without which the political right, authority, and power of the ministers are pointless. In another conversation between Mencius and Wan

³⁴The trusted ministers of the noble families (*shi chen* 世臣) in the feudal states like Qi and Yan are equivalent to the feudal lords (*zhu hou* 諸侯) in the *tianxia*.

³⁵*Mencius* 1B:7.

³⁶*Mencius* 4A:6.

Zhang, Wan asks: "Is it true that virtue declined with Yu who chose his own son to succeed him, instead of a good and wise man?" And Mencius responds:

No, it is not. If *Tian* wished to give the *tianxia* to a good and wise man, then it should be given to a good and wise man. But if *Tian* wished to give it to the son, then it should be given to the son. In antiquity, Shun recommended Yu to *Tian*, and died seventeen years later. When the mourning period of three years was over, Yu withdrew to Yang Cheng, leaving Shun's son in possession of the field, yet the people of the *tianxia* followed him just as, after Yao's death, the people followed Shun instead of Yao's son. Yu recommended Yi to *Tian*, and died seven years later. When the mourning period of three years was over, Yi withdrew to the northern slope of Mount Qi, leaving Yu's son in possession of the field. Those who came to pay homage and those who were engaged in litigation went to Qi instead of Yi, saying, "This is the son of our prince." ... All this was due to Heaven and could not have been brought about by man. When a thing is done though by no one, then it is the work of *Tian*; when a thing comes about though no one brings it about, then it is decreed. A common man who comes to possess the *tianxia* must not only have the virtue of a Shun or a Yu but also the recommendation of the king [the Son of Heaven]. That is why Confucius never possessed the *tianxia*. On the other hand, he who inherits the *tianxia* is only put aside by *Tian* if he is like Jie or Zhou. Confucius said, "In Tang 唐 [the name of Yao's dynasty] and Yu 虞 [the name of Shun's dynasty] succession was through abdication, while in Xia, Yin and Zhou it was hereditary. The basic principle was the same."³⁷

While refuting Wan Zhang's (tacit) claim that hereditary kingship began when the kings had lost their personal moral charisma, Mencius simultaneously denies the Weberian contention that charisma, whatever forms it takes, is eventually routinized and turned into traditional authority.³⁸ That is, the father-son transmission from Yu to Qi is as legitimate (both morally and politically) as the abdication from Yao to Shun and from Shun to Yu because it, too, was in accordance with the Mandate of Heaven and supported

³⁷*Mencius* 5A:6.

³⁸However, Mencius sometimes unwittingly admits that the sage-king's pure (personal) charisma does get routinized and that the routinized charisma exerts traditional authority. For instance, when asked why Sage-King Wen (the cofounder of the Zhou dynasty with his son Sage-King Wu), despite his matchless moral virtue (and enthusiastic welcoming by the people of Shang), was not able to conquer Shang, then ruled by tyrant Zhou, and his punitive expedition was accomplished only by his son King Wu, Mencius points out the benevolent customs and mores that the rulers of Shang inherited from one another since its foundation by the sage-king Tang. According to Mencius, even Zhou, the tyrant, had the "traditionalized charisma" of the Shang dynasty, which made King Wen's expedition extremely difficult (*Mencius* 2A:1).

by the people. Mencius even justifies the hereditary transmission between Yu and Qi by referring to the authority of Confucius. However, there is a logical jump in Mencius's reasoning. If, as Mencius claims, legitimacy of the royal transmission lies in the Mandate of Heaven, the people's approval, and ultimately the royal candidate's excellent moral virtue that enables and vindicates the other two sources of political legitimacy, it entails the absurd claim that all kings after Qi in the Xia dynasty—including notorious tyrant Jie, Xia's last king—are to be regarded as kings, that is, the possessors of brilliant moral charisma, simply because of the fact (*ex post facto*) that they inherited the throne from their predecessor "legitimately."

What generates this logical problem is Mencius's singling out the king's recommendation as the most decisive factor regarding abdication. This condition implies that without the reigning king's recommendation, not even a sage whose moral virtue is commensurate with Confucius's can become a sage-king.³⁹ According to Mencius's most developed doctrine of abdication, therefore, the Mandate of Heaven is relegated to the will of the Son of Heaven, and the will of the Son of Heaven is placed, albeit tacitly, over the royal candidate's moral virtue and the people's approval. A remarkable twist has thus taken place in Mencius's doctrines of abdication and the Mandate of Heaven, casually associated with his political idealism.

II

My interpretation of Mencius's political theory so far may not seem to fit with the conventional view of his justification of the people's right to rebellion or right to tyrannicide. However, as Justin Tiwald has recently argued, there is no evidence in the *Mengzi* that Mencius upheld the laypeople's (passive subjects') right to revolution and to enthrone the new king that they support.⁴⁰ For example, it was Tang and Wu (then feudal lords of Xia and Shang respectively) who dethroned (and killed) the tyrants Jie (the last king of Xia) and Zhou (the last king of Shang) and then founded the new dynasties of Shang and Zhou. Likewise, if a feudal lord has lost the Mandate of Heaven due to his tyrannical behavior, laypeople may be able to engage in collective

³⁹According to Yuri Pines, Mencius had a particular reason for introducing the ruler's recommendation as the most crucial factor in deciding abdication. Having witnessed how the abdication legend could be taken advantage of by usurpers in the states like Qi and especially Yan, Mencius had to moderate the inherent radicalism of his earlier interpretation of the abdication legend, which made abdication doctrine vulnerable to usurpation by wicked ministers like Zi Zhi of Yan. See Yuri Pines, "Disputers of Abdication: Zhanguo Egalitarianism and the Sovereign's Power," *T'oung Pao* 91, no. 4 (2005): 268–271, 275–280. I am grateful to one of the journal reviewers for bringing to my attention this important article.

⁴⁰Justin Tiwald, "A Right of Rebellion in the *Mengzi*?" *Dao* 7, no. 3 (2008): 269–282.

protest against him, but the right to replace him with a new ruler is exclusively held by the ministers of noble families or (preferably) the morally excellent ones among them.

In the context of his theory of rightful regicide, Mencius distinguished those who possess the positive moral-political right from passive subjects, by calling the former *Tianli* 天吏 (“heaven’s delegated official”).⁴¹ But who are *Tianli* and what are the qualifications to be the *Tianli*? According to Tiwald, there is one visible qualification in becoming *Tianli*—the possession of some territory, at least one hundred square *li* in size.⁴² Certainly, this is in line with my earlier argument that the political right to dethrone a tyrant and enthrone a new king is held and exercised exclusively by the feudal lords (who own at least one thousand square *li*) in the *tianxia* or the ministers of the noble families (who own at least one hundred square *li*) in the feudal state.

But the possession of a certain amount of territory (and the social status and political power attached to it) is only a necessary condition to become *Tianli*. Mencius certainly did not regard *any* minister of the king or *anyone* whose enfeifment was at least one hundred square *li* as entitled to the role of the *Tianli*, with the political power to dethrone (or kill) and enthrone a monarch. The more important qualification is the would-be *Tianli*’s moral excellence. For instance, the territorial qualification alone cannot account for Mencius’s great admiration of Yi Yin’s sagacious ministership.⁴³ When Tai Jia, Tang’s grandson, went astray, Yi Yin took him into custody and gave him the *tianxia* back after only three years of regent rule.⁴⁴ Obviously, in adjudicating Yi Yin’s controversial action (his assumption of the role of the *Tianli*), Mencius’s focus was not so much on Yi Yin’s territory as on his brilliant moral virtue and political sagacity derived from it.⁴⁵

⁴¹Mencius 2B:8.

⁴²Tiwald, “A Right of Rebellion in the *Mengzi*?” 276.

⁴³Yi Yin was one of the most sagacious ministers of Sage-King Tang, the founder of the Shang dynasty. According to Mencius, Yi Yin accepted the position of minister only after Tang cordially invited him three times.

⁴⁴Mencius 7A:31 (also see 2A:2; 5A:7; 5B:1).

⁴⁵Since he discusses the *Tianli* in the context of rebellion in the *tianxia*, the would-be *Tianli* Tiwald has in mind is the feudal lord who is loved and esteemed by the people. Since Yi Yin, the sage-minister, meets (substantially, if not perfectly) the *procedural condition* that designates a *Tianli*, Tiwald would not oppose my presentation of Yi Yin as the *Tianli*. According to Tiwald, procedural condition stipulates that (1) the would-be *Tianli* must have spent time in a position of political authority and his policies have earned the overwhelming approval and appreciation of the people; (2) if he happens to get such a position and the people do indeed overwhelmingly approve of him (as evidenced by singing songs in praise of him, taking his roads, etc.), this is heaven’s sign that he is the next *Tianli*. See Tiwald, “A Right of Rebellion in the *Mengzi*?” 277–78. The *Mengzi* does not document the people’s reception of Yi Yin’s regent rule, but considering his wide reputation as a sage and given his previous

It is now clear why Mencius berated so harshly the Hegemons (*ba* 霸) such as Duke Huan of Qi, who, their official status being merely feudal lords, rationalized their semi-imperial powers in terms of “revering the (Zhou) King and expelling the barbarians (*zun wang rang yi* 尊王攘夷).” Since they emerged during the cultural and political crisis when the Zhou King had lost substantial political power to maintain the *tianxia* and since they, at least, did not arrogate to themselves the title of king, the Hegemons might have understood themselves as the *Tianli*. For Mencius, however, the Hegemonic Rule (*ba dao* 霸道) was despicable because it was not benevolent (*ren*) statecraft. The Hegemons possessed territory of one hundred *li* square and minister status in the court of the Zhou King,⁴⁶ but they lacked what Mencius regarded as *Tianli*'s most important qualification—charismatic moral virtue. For Mencius, *Tianli* must be the “sagacious ministers” such as Fu Yue, Yi Yin, and Duke Zhou (who was the minister of King Wu and King Cheng).

According to Mencius, therefore, *Tianli* or the sage-ministers are those morally excellent among the noble families. However, here arises a problem, for according to Mencius's moral theory, *everyone* (irrespective of his social origin) can become a sage-minister (or a *Tianli*) in time of crisis. Yi Yin and Shun, who was Yao's minister for twenty-eight years, were originally farmers.

Admittedly, Mencius believed in the goodness of human nature and thus thought that anyone can become a sage. If one's nature (*xing* 性) was endowed by heaven and this heaven-endowed nature can be fully realized by self-cultivation, then there could be no reason to doubt his moral perfectibility to become a sage like Yao and Shun.⁴⁷

However, though anyone can become a sage, Mencius did not think that anyone can become a sage-king. Shun's dramatic ascendance from farmer to king is almost impossible to repeat in a nonideal world in which hereditary transmission of kingship has become the norm. What is still possible, though, is for a farmer to become a sage-minister by virtue of his brilliant moral virtue. Although Mencius's moral theory suggests that anyone can become a Yao or a Shun, his political theory concentrates on the charismatic transformation of a person of humble origin (*pifu* 匹夫) into a sage-minister.

Shun rose from the fields; Fu Yue was raised to office from amongst the builders; Jiao Ge from amidst the fish and salt; Guan Zhong from the hands of the prison officers; Sun Shu-ao from the sea and Bo-li Xi from

political performance in the court of Sage-King Tang, there is no reason to doubt that the people supported his regent rule.

⁴⁶In fact, they possessed the territory of one thousand *li* or more, thus elevating them to the position of the Son of Heaven at least in terms of power.

⁴⁷*Mencius* 3A:1.

the market. That is why *Tian*, when it is about to place a great burden on a man, always first tests his resolution, exhausts his frame and makes him suffer starvation and hardship, frustrates his efforts so as to shake him from his mental lassitude, toughen his nature and make good his deficiencies.⁴⁸

It is widely held that Mencius's greatest political passion was to turn one of the rulers of his time into a sage-king who could reunite the world under the Kingly Way. But it should not be forgotten that Mencius was not insensitive to the challenge posed by hereditary kingship—that a ruler's political authority was severed from moral authority—and this realization impelled Mencius to emphasize the moral self-transformation through which a layperson is morally and politically empowered and ultimately becomes the sage-minister who can compete with the ruler, the practitioner of *Realpolitik* whose ruling legitimacy is predicated solely on his hereditary right to kingship. Mencius called such a charismatic moral hero a “great man” (*da zhang fu* 大丈夫), who “cannot be led into excesses when wealthy and honored or deflected from his purpose when poor and obscure, nor can be made to bow before superior force.”⁴⁹

Mencius was a conservative in that he never challenged the political legitimacy of hereditary kingship, despite his unswerving commitment to the ideal of sage-kingship. But when he realized that the rulers could no longer entertain their special connection with *Tian* under the reality of hereditary transmission, he uncovered and further justified the “special connection” between ministership and the Mandate of Heaven. Notwithstanding his abdication doctrine, Mencius's realism shifted in focus from the ruler, who was no longer a sage-king, to the ministers who could be morally perfect, thereby reinforcing the position of the *Tianli*, originally called upon in political emergencies, in the daily operations of royal bureaucracy. By institutionalizing *Tianli* within the bureaucracy Mencius's political theory puts ministership in rivalry with hereditary kingship.

Xunzi's Rejection of the Abdication Doctrine and *Lizhi* Constitutionalism

Considering that Mencius was the strongest advocate of abdication during the Warring States period, and that Xunzi advanced his view of human nature by criticizing Mencius's,⁵⁰ Xunzi's refutation of the abdication doctrine

⁴⁸*Mencius* 6B:15. This is the only phrase where Mencius gives a positive evaluation of Guan Zhong, the minister of Duke Huan of Qi, who was one of the five Hegemons during the Warring States period.

⁴⁹*Mencius* 3B:2.

⁵⁰*Xunzi* 23:1c, 1d, 3a, 3b.

seems to be aimed at Mencius. Xunzi's refutation proceeds methodically. He criticizes three versions of the abdication legend:

- (1) Yao and Shun abdicated and yielded their thrones;
- (2) (Only) at death, the king (the Son of Heaven) relinquished all claims;
- (3) The king had to abdicate due to old age and infirmity.

Let us look at Xunzi's criticism of each of these versions in turn.

- (1) He responds to the first by observing:

This is not so. Consider the Son of Heaven: his position of power and authority is the most honorable in the *tianxia*, having no match what[so]ever. Further, to whom should they yield? Since their Way and its Power are pure and complete, since their wisdom and intelligence are exceedingly perspicacious, they had only "to face south and adjudicate the affairs of the *tianxia*." ... The world had no "hidden scholars," and there was no "lost goodness." What was identical with them would be right, and what was different from them would be wrong. Again, why would they abdicate the *tianxia*?⁵¹

According to Mencius's reasoning, Yao abdicated to his "minister" Shun, and Shun to his "minister" Yu. From Xunzi's viewpoint, however, the existence of another charismatic figure (besides the king himself) not only contradicts the king's absolute (hence indivisible) moral and political authority, it also erodes the exclusive connection between the king (who is "the Son of Heaven") and the Mandate of Heaven. By affirming that "the world had no hidden scholars and there was no lost goodness," Xunzi meant that a subject of the king can entertain heaven's grace (be it moral, political, economic, or cultural) only by means of the king's charisma—particularly his ability to create and maintain the institutions of the LYXZ. There cannot, therefore, be any charismatic moral splendor (*sheng* 聖) independent of the king's charismatic "action" (*zou wei* 作為).

According to Xunzi, the moral virtue of the sage, whose sagacity has been achieved through the mediation of the king's institutional artifices, cannot be commensurate with that of the king himself. Xunzi describes the king's matchless charisma: "He does not look yet sees, does not listen yet hears, does not speak yet is trusted, does not ponder over things yet knows, does not move yet accomplishes. He has only to make announcements, and all is brought to perfect fulfillment. ... There is nothing to which his will must unwillingly submit, nothing that will bring weariness to his body, and nothing that is superior to his honored position."⁵² Yi Yin's response to

⁵¹Xunzi 18:5a. Here and in the subsequent English translations of the text of the Xunzi I retain the original Chinese term "*tianxia*" that Knoblock translates "empire" for the reason offered above in note 3.

⁵²Xunzi 24:1.

Sage-King Tang's invitation (as related by Mencius) does not merely collide with Xunzi's idea of the king. It is a kind of blasphemy.

What do I want Tang's presents for? I much prefer working in the fields, delighting in the Way of Yao and Shun. [Only after Tang sent a messenger for the third time did Yi Yin change his mind and say,] Is it not better for me to make this prince a Yao or Shun than to remain in the fields, delighting in the Way of Yao or Shun? ... *Tian*, in producing the people, has given to those who first attain understanding the duty of awakening those who are slow to understand; and to those who are the first to awaken the duty of awakening those who are slow to awaken. I am among the first of *Tian*'s people to awaken. I shall awaken this people by means of this Way. If I do not awaken them, who will do so?⁵³

Mencius's Yi Yin claims (i) any person (even of humble origin) can entertain the Way (*dao* 道) of Sage-Kings Yao and Shun and by extension the Mandate of Heaven without relying on Sage-King Tang's charismatic mediation; (ii) it is rather his (Yi Yin's) moral charisma that enables Tang to become a sage-king (Tang, at this point, is described not as a charismatic sage-king but as the potential sage-king who is ready to listen to a sage); (iii) therefore, it is indeed upon Yi Yin himself, not upon Tang, to enlighten the people in morality (*ren* 仁, *yi* 義, *li* 禮, *zhi* 智) and in moral relationships (*wulun* 五倫). Here, not only is Mencius dividing the Confucian ruling power into two, he is also putting the sage-minister's moral authority over the ruler's political power.

Moreover, Mencius's abdication doctrine diminishes the infallibility of the king that Xunzi assumed. As we have already seen, Mencius rationalized the first incident of father-son transmission of the throne by arguing that Sage-King Yu "had to" abdicate to his son Qi, because people chose Qi instead of Yi, his sagacious minister, even if it was Yi that Yu originally recommended to heaven. Of course, underlying Mencius's rationalization (and the people's choice of Qi over Yi) was the observation that Qi's moral virtue was superior to Yi's. Hence it, too, is a form of abdication. But then we are faced with a puzzling question: Why did Yu not recommend Qi to heaven in the first place? If Qi truly possessed more excellent moral virtue than Yi, was it right for Yu to recommend Yi and not Qi, whom the people and heaven would have ultimately chosen? Recently, Qingping Liu has identified the essence of Confucian ethics in terms of "consanguinitism" that denies the values of individuality and sociability.⁵⁴ But what we find in Yu is the exact opposite—Yu here shows an extreme version of anti-consanguinitism that goes against the wish of the people and the Mandate of Heaven. Perhaps it was because Yu was afraid of the possible charge his action would likely elicit, that is, the privatization of the *tianxia*. But was Qi not a sage? In

⁵³Mencius 5A:7.

⁵⁴Qingping Liu, "Family versus Sociality and Individuality: On Confucianism as 'Consanguinitism,'" *Philosophy East and West* 5, no. 2 (2003): 234–50.

Xunzi's judgment, this logical conundrum resulted inevitably from the abdication myth that Mencius (or his school) propagated.

(2) Xian-qiu Meng once asked Mencius: "Is it true that Shun stood facing south, while Yao stood facing north, at the head of the feudal lords, paying homage to him?"⁵⁵ In other words, the question was whether or not the former sage-king had become the new sage-king's subject. Because of this ambiguity, there emerged the second popular belief regarding the abdication legend that "[only] at death, the sage-kings Yao and Shun relinquished all claims." Xunzi counters the second version of the abdication legend by observing:

This as well is not so. ... If the Sage-Kings had already died, and there was no other sage in the *tianxia*, then most assuredly there was no one of sufficient stature to whom the *tianxia* should be yielded. Given the situation that there is a sage in the *tianxia* who is his descendant, then the *tianxia* is not interrupted, the dynasty does not change in status, the various states do not alter their regulations, and the whole *tianxia* is contented. There is no difference between the new situation and that of a short time before. If a Yao continues after a Yao, what change can be said to have taken place? ... Thus, while the Son of Heaven lives, in the whole world only one person is exalted. The height of obedience has led to order, and the assessment of moral worth has fixed the precedence of rank. When he dies, then there will certainly be someone who is able to carry the responsibility for the *tianxia*. Where the distinctions of ritual and moral principles have been systematically carried out, what need indeed would there be for abdication and relinquishing?⁵⁶

Here, Xunzi emphasizes the dynasty's uninterruptedness and unchangeability—namely, the "political continuity" of the Confucian body politic in addition to the indivisibility and sovereignty of the king's power. Mencius had tried to overcome the constitutional crisis (especially at the moment of royal transmission) by relying on the authority of the ministers of the noble families (ideally, the "sage-ministers"). For Xunzi, however, Mencius's alternative was far from the best resolution of the problem. Rather, it seemed to exacerbate the problem by dividing the Confucian ruling power between the king and his ministers, thereby demoting the king (*wang* 王) to a noncharismatic secular ruler. By drawing attention to the indivisible and uninterrupted sovereign authority of the Son of Heaven, Xunzi wanted to stress not so much an individual king's *personal* charisma as the "constitutional" implications of the kingship as a moral-political *institution*.

Mencius's doctrine of abdication is premised on the excellent personal moral virtue of individual sage-kings such as Yao, Shun, and Yu. For

⁵⁵Mencius 5A:4. According to Confucian rituals, the ruler faces south and his subjects face toward him, that is, toward the north.

⁵⁶Xunzi 18:5b.

example, in the *Mengzi*, Shun is described as a morally immaculate son and brother who remained filial and fraternal to his violent father and brother, who attempted to kill him several times, because he cherished the virtue of filial and fraternal responsibility (*xiaoti* 孝悌) more than anything else.⁵⁷ Likewise, in the *Mengzi*, Yu is presented as the paragon of public service who never stopped at his house during his eight years of public service even when he passed by it three times.⁵⁸ Despite his occasional allusions to the sage-kings, Xunzi rarely describes the heroic moral virtue of particular sage-kings. Instead, he explains the personal characteristics of the sage-king or sage in highly abstract and general terms.⁵⁹

For Xunzi, the particular and personal characteristics (virtues) of the individual sage-kings are not critical. Xunzi's primary concern was not necessarily with any particular sage-king but with sage-kingship or kingship in general as a moral and political institution. For kingship is the antithesis of and the civilizational bulwark against the Hobbesian state of nature.

Human nature is evil. ... Following this nature will cause its aggressiveness and greedy tendencies to grow and courtesy and deference to disappear. Humans are born with feelings of envy and hatred. ... When each person follows his inborn nature and indulges in his natural inclinations, aggressiveness and greed are certain to develop. This is accompanied by violation of social class distinctions and throws the natural order into anarchy, resulting in a cruel tyranny. Thus, it is necessary that man's nature undergo that transforming influence of a Teacher and the Model and that he be guided by the Way of ritual and righteousness. ... In antiquity the Sage-Kings took man's nature to be evil, to be inclined to prejudice and prone to error, to be perverse and rebellious, and not to be upright or orderly. For this reason they invented ritual principles and precepts of moral duty. They instituted the regulations that are contained in laws and standards. Through these actions they intended to "straighten out" and develop man's essential nature and to set his inborn nature aright. They sought to tame and transform his essential nature and to guide his inborn nature with the Way.⁶⁰

While conscious of the constitutional crisis latent in abdication doctrine, Mencius did not believe it would necessarily bring about a disorderly state. In practice, the ministers of the noble families or the sage-ministers would, like Yi Yin, help secure the constitutional order of the Confucian polity by playing the role of the *Tianli*. More fundamentally, he thought, all human beings possess the innate propensity toward civilization and morality. According to Mencius, man has two kinds of desire: the bodily desire originating from his animality (desire for food and sex) and a moral desire to

⁵⁷*Mencius* 5A:1–4.

⁵⁸*Mencius* 3A:4.

⁵⁹For instance, see *Xunzi* 21:5a and 21:7d.

⁶⁰*Xunzi* 23:1a–2a.

transcend the animality and recover the heaven-given original nature (*xing* 性), including innate moral virtues such as *ren*, *yi*, *li*, and *zhi*.⁶¹ When he asserted that every man could become a sage, Mencius did not deny man's animality nor the possibility of evil originating from it in the nonideal world; he focused on the perfect realizability of man's innate moral desire from the transcendental ethical perspective.⁶²

Xunzi criticized Mencius's view that human nature is originally good. But that does not mean he denied man's moral perfectibility. Like Mencius, Xunzi was convinced that every man can become a sage like Yu.⁶³ Xunzi and Mencius disagree about the means of moral self-cultivation: development (Mencius) versus re-formation (Xunzi).⁶⁴ This disagreement arises from the different ways in which they viewed human nature. Whereas Mencius approached human nature from both empirical and metaphysical/transcendental perspectives, Xunzi understood it purely from an empirical perspective.⁶⁵ He did not think that man's a priori (i.e., heavenly) moral power could transcend and discipline his bodily desires.⁶⁶

⁶¹Mencius 2A:6.

⁶²"The way the mouth is disposed towards tastes, the eye towards colors, the ear towards sounds, the nose towards smells, and the four limbs towards ease is human nature, yet therein also lies the Decree (*ming* 命). That is why the gentleman (*junzi*) does not describe it as nature. The way benevolence (*ren*) pertains to the relation between father and son, righteousness (*yi*) to the relation between prince and subject, the ritual propriety (*li*) to the relation between guest and host, wisdom (*zhi*) to the good and wise man, the sage to the Way of Heaven, is the Decree, but therein also lies human nature" (Mencius 7B:24). Also see Mencius 4B:19; 6A:6. For an excellent collection of essays on Mencius's idea of human nature and his moral philosophy, see Xiusheng Liu and Philip J. Ivanhoe, eds., *Essays on the Moral Philosophy of Mengzi* (Indianapolis: Hackett, 2002).

⁶³Xunzi 23:5a.

⁶⁴Philip J. Ivanhoe, *Confucian Moral Self-Cultivation* (Indianapolis: Hackett, 2000), 101.

⁶⁵Xunzi 23:1e. Ultimately, this difference between Mencius and Xunzi is attributable to their completely different understandings of *Tian*. On Xunzi's naturalistic understanding of *Tian* (as opposed to Mencius's moral-cosmic understanding of it), see Edward J. Machle, *Nature and Heaven in the "Xunzi": A Study of the Tian Lun* (Albany: SUNY Press, 1993) and Janghee Lee, *Xunzi and Early Chinese Naturalism* (Albany: SUNY Press, 2004), 19–32.

⁶⁶For Xunzi's idea of human nature and his moral philosophy, see Aaron Stalnaker, *Overcoming Our Evil: Human Nature and Spiritual Exercises in Xunzi and Augustine* (Washington, DC: Georgetown University Press, 2006), 56–84. For a comparison between Mencius and Xunzi on human nature, see Maurizio Scarpari, "The Debate on Human Nature in Early Confucian Literature," *Philosophy East and West* 53, no. 3 (2003): 323–39, and Kwong-loi Shun, *Mencius and Early Chinese Thought* (Stanford: Stanford University Press, 1997), 222–31, and the essays (particularly those by Bryan Van Norden and D. C. Lau) in T. C. Kline III and Philip J. Ivanhoe, eds., *Virtue, Nature, and Moral Agency in the "Xunzi."*

Viewing man as essentially acting on bodily desires, Xunzi was persuaded that unless regulated, such desires would drive men to unending struggle.⁶⁷ In Xunzi's view, power that can overcome such a Hobbesian state of nature should be sought "outside" of man, concretized in various human (hence "artificial") institutions or in the institutions of the LYXZ.⁶⁸ For anybody in the state of nature to (re-)enter into the state of morality and civilization, he must be re-formed (*wei* 偽) by the king or by his moral-political institutions. In this respect, the essence of the sage-king lies in his being the creator of morality and civilization.⁶⁹ Sage-kingship represents the Kingly Way of the sage-king(s), namely, the Confucian constitutional order.⁷⁰

In short, what was critically important for Xunzi was not so much transfer of the political power from this sage-king to that sage-king as the continuity of the Kingly Way that was practically embodied in the LYXZ, the antithesis of the Hobbesian state of nature. What mattered most was not the kind of moral virtue Shun possessed and how personally virtuous he was, but whether Shun preserved the Confucian constitutional order that Yao had founded. Hence his comment, "If a Yao continues after a Yao, what change can be said to have taken place?"

Although he denied the cosmological correlation between the Way of Heaven (*tian dao* 天道) and the Way of Man (*ren dao* 人道), which was the metaphysical foundation of Mencius's moral and political theory, and concentrated on human affairs operating independently of the Way of Heaven, Xunzi never made the Machiavellian suggestion of separating politics from morality.⁷¹ But he could not agree with Mencius in approaching "the Kingly Way" purely from the perspective of the individual sage-king's

⁶⁷Cf. *Xunzi* 4:9; 4:10; 9:10; 10:1; 19:1a; 23:1a.

⁶⁸*Xunzi* 23:2a. In *Xunzi* 16:4, Xunzi provides a more concrete and realistic description of the state of nature in the Confucian context. On the intrinsic connection of human nature and rituals in Xunzi's moral and political philosophy, see Antonio S. Cua, *Human Nature, Ritual, and History: Studies in Xunzi and Chinese Philosophy* (Washington, DC: Catholic University of America Press, 2005) and Kurtis Hagen, *The Philosophy of Xunzi: A Reconstruction* (Chicago: Open Court, 2007).

⁶⁹Xunzi's notion of *zuo zi wei zhi sheng* 作者謂之聖 ("the Founder is a sage")—which was dismissed by the Cheng-Zhu neo-Confucians—was rediscovered by Japanese political theorist Ogyu Sorai (荻生徂徠, 1666–1728) during the Tokugawa period. See Masao Maruyama, *Studies in the Intellectual History of Tokugawa Japan*, trans. Mikiso Hane (Tokyo: University of Tokyo Press, 1974), 69–134.

⁷⁰Hagen captures Xunzi's ritualism in terms of "Confucian constructivism" and distinguishes it from mere conventionalism (Hagen, *The Philosophy of Xunzi*, 32–35). From a political perspective, Confucian constructivism is tantamount to Confucian constitutionalism.

⁷¹Following in the footsteps of Confucius and Mencius, Xunzi understands politics or governing (*zheng* 政) in terms of "correcting [the ruler]" (*zheng* 正) (*Xunzi* 10:15). As a Confucian, Xunzi is convinced that governing begins with the ruler's moral self-cultivation (*xiushen* 修身) (*Xunzi* 14:5; also see 9:18; 12:4).

personal charisma.⁷² Neither subscribing to *Realpolitik* (like the Legalists) nor fascinated by the rule by virtue (*dezhi*), Xunzi positioned himself somewhere in between—as the theorist of rule by the *li* (*lizhi*).

(3) Xunzi counters the third popular claim, that “the king [the Son of Heaven] had to abdicate because of old age and infirmity,” by arguing:

This too is not so. ... Although the position of the Son of Heaven is the most significant position of power, his body enjoys the most perfect leisure. His heart is filled with the purest pleasures, for his will is never thwarted; and his physical body is not subjected to toiling labor since he has in honor no superior. ... At rest, he is like one of the great spirits; in motion, he is like one of the heavenly ancestors. Supported in old age and nurtured in infirmity, could anything be better than this? The aged require rest, and what rest has such peace and enjoyment, such tranquility and pleasure as this? Therefore it is said: The feudal lords get old, but the Son of Heaven does not. That there have been cases of abdicating a state, but no case of abdicating the *tianxia*—in regard to this antiquity and today are one.⁷³

Considering Xunzi's repeated insistence that the kernel of kingly government lies in the king's timely and proper appointment of his ministers to various governmental posts and his delegation of the details of governance and administration to them,⁷⁴ the claim that the king, owing to his supreme position, “enjoys the most perfect leisure” makes sense. However, Xunzi's claim that the king's life is full of “the most perfect leisure” and “the purest pleasure” because he “does nothing” (*wuwei* 無爲) collides with his political realism. And his assertion that the king's body “does not get old” is simply unscientific. Xunzi's reasoning sounds more like that of the Daoist than that of the Confucian when he implicitly identifies sagely statecraft with the “rule by non-action” (*wuwei zhengzhi* 無爲政治).⁷⁵ However, we should not characterize Xunzi as an unorthodox Confucian simply because he described

⁷²For example, see *Mencius* 1A:7; 4A:4; 4A:20; 7A:1; 7A:4. This, however, is not to argue that Mencius had no interest in actual sociopolitical and economic affairs that require active political engagement (*youwei* 有爲). Not only did Mencius propose to implement the well-field system as the socioeconomic backdrop of the Kingly Way, he also thought the disciplined use of coercion, punishment, or even (just) war was inevitable in the nonideal world. See *Mencius* 2A:4; 3A:3; 4A:14. Also see Bell, “Just War and Confucianism,” 24–31. For a discussion of the philosophical connection between self-cultivation and the political order in Mencius, see Shun, *Mencius and Early Chinese Thought*, 163–73.

⁷³Xunzi 18:5c.

⁷⁴Xunzi 12:1. In this respect, Xunzi seems not to dismiss “negative constitutionalism,” the constitutional constraint on political power.

⁷⁵On the Daoist-*Wuwei* dimension in Xunzi's thought, see Edward Slingerland, *Effortless Action: Wu-wei as Conceptual Metaphor and Spiritual Ideal in Early China* (Oxford: Oxford University Press, 2003), 246–64.

the essence of kingship in terms of *wuwei* statecraft, because Confucius and Mencius essentially did the same.⁷⁶ Yet, when praising the kings for their *wuwei* statecraft, Confucius's and Mencius's focus was always on their world-transformative moral charisma. According to Confucius, "The rule of virtue (*de*) can be compared to the Polar Star which commands the homage of the multitude of stars without leaving its place."⁷⁷ Mencius illustrated Shun's charismatic moral virtue by observing that "when Shun lived in the depth of the mountains, he lived amongst trees and stones, and had as friends deer and pigs. The difference between him and the uncultivated man of the mountains then was slight. But when he heard a single good word, witnessed a single good deed, it was like water causing a breach in the dykes of the Yangzi or the Yellow River. Nothing could withstand it."⁷⁸

What distinguished Xunzi from his Confucian predecessors was his finding that the real locomotive of the *wuwei* government was the kind of moral-political "institution" that the kings discovered, rather than their personal characteristics. It was by virtue of these sacred institutions that the archaic individuals were morally cultivated. The person of the king might seem to do nothing, but kingship (and the political institutions affiliated with it) ceaselessly and unfailingly achieves all kinds of things. The more vigorously the institutions operate (i.e., *youwei*), the less the king has to do and the more energetic and formidable his "body" becomes. Michael Nylan has described this expansive notion of the "body" of the king:

In early Confucian theory, geographic boundaries are emphatically (a) permeable and (b) expandable, because the health of the body and body politic is thought to depend always on flow and change, rather than on fixedness. In addition, (c) neither the body nor the state is ever seen as the "possession of one man." Instead, both are conceived as entities held in trust, in effect "works in progress" extending over space and time. To the Confucian, these obvious "facts" attesting to the blurry boundaries of the body and body politic by no means precluded order, for (d) order in the Confucian tradition emanates from a stable—precisely because it is not rigidly placed—center attuned to social and cosmic patterns. In the body, the center was defined as the heart/mind, locus of the proper motivations for social interaction; in the body politic, as the ruler or, in the absence of a good and wise ruler, the sage.⁷⁹

So understood, the healthy body of the king signifies a viable body politic. When Xunzi said that "the Son of Heaven does not get old," he was emphasizing the imperishability of kingship as the representation of the

⁷⁶Confucius, for example, extolled Shun's *wuwei* statecraft in the *Analects* 15:5.

⁷⁷*Analects* 2:1.

⁷⁸*Mencius* 7A:16.

⁷⁹Michael Nylan, "Boundaries of the Body and Body Politic in Early Confucian Thought," in *Boundaries and Justice: Diverse Ethical Perspectives*, ed. David Miller and Sohail H. Hashmi (Princeton: Princeton University Press, 2001), 115.

constitutional order of the Confucian state and its various institutional embodiments in the LYXZ.

Inasmuch as the state involves heavy responsibilities, if it is not maintained through accumulation, then it will not continue to stand. Thus, so far as the state is concerned, innovations introduced as one generation succeeds another are only a case of handing over authority from one to another. They are not radical transformations. ... If each dawn begins a new day and each day a man begins anew, then how is it that there are states that have lasted a thousand years tranquilly through this? I say it is because the state is succored by a trustworthy model (*fa* 法), itself a thousand years old, that is employed to maintain it, and along with this it has a tradition of "trustworthy scholars a thousand years old" who enact it.⁸⁰

Even if the historical person of the king perished, his model (*fa* 法)⁸¹ and the state that it underpins are permanent.

We have seen that contrary to the conventional view, Mencius's abdication doctrine does not necessarily entail the right to rebellion or tyrannicide, which exacerbates the constitutional crisis. In Mencius's political theory sage-ministers play the role of the *Tianli* not only in preventing (by means of remonstrance) but, more critically (though very rarely), in resolving the constitutional crisis (by deposing the king).⁸² Surprisingly, Xunzi's Confucian constitutionalism, which emphasizes the permanence of the Confucian constitutional order (*fa*), turns out to be in a better position to justify the right to rebellion or tyrannicide. Xunzi justifies the regicides of Jie and Zhou as follows:

In accord with popular opinion, persuaders offer the thesis: "Jie and Zhou truly possessed the *tianxia*; Tang and Wu usurped it and stole the throne." This is not so. If one means that by the normal rule Jie and Zhou would have possessed formal title to the *tianxia*, then it would be so. ... If "*tianxia*" refers to the fact that the world was with Jie and Zhou, then it would not be so. In antiquity, the Son of Heaven had a thousand offices in his government and the feudal lords each had a hundred. ... To use these thousand offices to execute orders in all the countries in the Middle Kingdom (*xia* 夏) is what is meant by being "king" (*wang* 王). ... In the descendants of sage kings who inherited the *tianxia* in later

⁸⁰Xunzi 11:2b.

⁸¹Barring some exceptional cases, for Xunzi the term "*fa*" means not so much the "law" narrowly conceived (as the Legalists later used it) but the "model" of social, political, and cultural institutions.

⁸²Mencius 5B:9: "If the prince made serious mistakes, they (ministers of royal blood) would remonstrate with him, but if repeated remonstrations fell on deaf ears, they would depose him. ... If the prince made mistakes, they (ministers of families other than the royal house) would remonstrate with him, but if repeated remonstrations fell on deaf ears, they would leave him."

generations is vested the position of political power and authority (*shi ji* 執籍) and in them is contained spiritual authority over the *tianxia*. Although all this is so, when a descendant is untalented and does not “hit the mark,” the people (*ba xing*), on the one hand, will loathe him, and the feudal lords, on the other, will desert him. ... Given such a situation, although he might not yet have perished, I would say that he no longer really possessed the *tianxia*. ... “The *tianxia* offering allegiance to you” is what is meant by “king” (*wang*). The “whole world abandoning you” is what is meant by “ruination” (*wang* 亡). Thus, that Jie and Zhou did not possess the world and that Tang and Wu did not murder their sovereigns are by this argument demonstrated.⁸³

At first glance, Xunzi's position seems to be no different from Mencius's because the right to tyrannicide is exclusively given to Tang and Wu who were then the feudal lords of Jie and Zhou. However, it is important to note that unlike Mencius who pays special attention to the qualifications of the *Tianli* (especially his moral virtue), Xunzi rationalizes the tyrannicides of Jie and Zhou, if not exclusively on the basis of their complete negligence of institutional position of kingship, integral to which are a thousand offices in government.⁸⁴ Jie and Zhou were a *wang* not in the sense of king (王) but in the sense of Ruiner (亡)⁸⁵ who neglected the “political power and authority” over the *tianxia*. In short, at stake here is not so much the ruler's personal moral failure as his political failure to secure the Confucian constitutional order of the state that “kingship” represents.

Who is qualified to save the kingship is a secondary matter. It is a moral obligation even if it may require the killing of the ruler (tyrant): “Capturing (*duo* 奪) only when considerations of justice (*yi* 義) are involved, killing (*sha* 殺) only when the principle of humanity (*ren* 仁) is at stake, causing superior and inferior to change places only when correctness and purity are involved, so that accomplishments which could form a Triad with Heaven and Earth are achieved and benefits are provided which can be extended to all living things—this may indeed be described as ‘peace attained by weighing the threat.’”⁸⁶ Certainly, this is what Tang and Wu did, but Xunzi does not say that this is what *they* (or *Tianli*) alone can do. His point is simply that *this* must be done. What is important for Xunzi is maintaining civil and political order.

⁸³Xunzi 18:2.

⁸⁴It is far from my intention to present Xunzi as a protodemocrat who proactively upholds the right to rebellion. I agree with Eric Hutton that Xunzi's political theory is undemocratic, to say the least. See Eric L. Hutton, “Un-Democratic Values in Plato and Xunzi,” in *Polishing the Chinese Mirror*, ed. Marthe Chandler and Ronnie Littlejohn (New York: Global Scholarly Publications, 2008).

⁸⁵Note that the Chinese characters 王 and 亡 have the same phonetic sound.

⁸⁶Xunzi 13:9.

So understood, Xunzi can justify the right to rebellion or tyrannicide better than Mencius can. According to Xunzi, a particular ruler (“ruiner”) may be removed but the Confucian constitutional order or kingship must not be disrupted in any case.

Conclusion

The primary purpose of this essay has been to demonstrate that, *pace* a widespread belief in the West, there did exist constitutional elements in the Confucian political tradition. I have also attempted to correct a more recent tendency among some Confucianists to justify the existence of Confucian constitutionalism exclusively in terms of *lizhi*, by identifying two competing versions of Confucian constitutionalism advanced by Mencius and Xunzi—*dezhi* constitutionalism and *lizhi* constitutionalism. In doing so, I have countered the common understanding of Mencius's and Xunzi's political theories as representing the mutually opposed traditions of political idealism and political realism in Confucian political thought. Instead, I have argued that both Mencius and Xunzi developed fairly *realistic* political theories, and that the difference between the two lay mainly in their preferred mode of Confucian constitutionalism (*dezhi* versus *lizhi*). More specifically, I have shown that, despite Mencius's and Xunzi's contrasting views on abdication, their confrontation concerned the creative tension between kingship and ministers and the best way to understand kingship (personal versus institutional) within the context of Confucian constitutionalism.⁸⁷

The question is not whether or not there existed constitutionalism in Chinese political thought, but what kind of constitutionalism developed in its Confucian moral and political context and how political power was effectively controlled and enabled by it. As we have seen, in the Confucian political tradition constitutional concerns were never expressed in terms of law, *Rechtsstaat*, and right as they are in the modern West. Nor was there in China a tradition of *rationalism* of the kind that Leo Strauss found to be the philosophical foundation of Western constitutionalism.⁸⁸ On the contrary, in the Confucian political tradition, the term “rule by law” (*fazhi*) was understood to be an essential component of the amoral statecraft of Legalism and its constitutional political dynamic unfolded in terms of virtue and ritual,

⁸⁷One remaining question, though, is how *dezhi* and *lizhi* as the Confucian constitutional governance actually operate. For a more detailed discussion of the virtues of the ruler in Mencius's *dezhi*, see Sungmoon Kim, “The Secret of Confucian *Wuwei* Statecraft: Mencius's Political Theory of Responsibility,” *Asian Philosophy* 20, no. 1 (2010): 27–42. For more on the formation of civility in the Xuzian polity, see Sungmoon Kim, “From Desire to Civility: Is Xunzi a Hobbesian?,” *Dao* 10, no. 2 (forthcoming).

⁸⁸Leo Strauss, *The City and Man* (Chicago: University of Chicago Press, 1978).

elements that are often thought to be completely irrelevant or at most tangential to “constitutionalism” in the West. The debate between Mencius and Xunzi illustrates how culturally distinctive (*vis-à-vis* Western liberal constitutionalism) but nevertheless internally dynamic and politically sophisticated Confucian constitutionalism was in creating and sustaining a well-ordered and morally decent political order, without enlisting the liberal-democratic language of constitutionalism. Even if some key concepts and ideas integral to Confucian constitutionalism (e.g., the Mandate of Heaven and the ideals of the sage-king and of the sage-minister) are no longer tenable in the contemporary sociopolitical and cultural context, its characteristic emphasis on virtue and ritual as constituting and constraining power can provide an important insight in our search for an alternative vision of political society that is least coercive but is nevertheless politically stable and morally decent.