Review of "Confucian Constitutional Order: How China's Ancient Past Can Shape its Political Future" by Jiang Qing

Carl F. Minzner  
*Fordham University School of Law, cminzner@law.fordham.edu*

Follow this and additional works at: https://ir.lawnet.fordham.edu/faculty_scholarship

Part of the Law and Politics Commons, Law and Society Commons, and the Legal History Commons

**Recommended Citation**  
Available at: https://ir.lawnet.fordham.edu/faculty_scholarship/592

This Book Review is brought to you for free and open access by FLASH: The Fordham Law Archive of Scholarship and History. It has been accepted for inclusion in Faculty Scholarship by an authorized administrator of FLASH: The Fordham Law Archive of Scholarship and History. For more information, please contact tmelnick@law.fordham.edu.
In the late 18th century, as the French Revolution burned through the heart of Europe, toppling established political and social orders, the English philosopher Edmund Burke set pen to paper. Earlier a critic of unrestrained royal power, he now mounted a full-blown defence of monarchy, elite rule, state religion and English historical traditions in the face of French Enlightenment values of secularism and popular democracy: “We fear God, we look up with awe to kings; with affection to parliaments; with duty to magistrates; with reverence to priests; and with respect to nobility.” Unsurprisingly, Burke’s thought is the wellspring for several strands of American right-wing thought.

Despite the book’s title, Jiang Qing is a staunch Burkean conservative – just a Chinese one. Such political views happen to come across clothed in the language of Confucianism. But Jiang would be almost equally at home with an interesting array of American Tea Partiers, English monarchical revivalists, Saudi fundamentalists and pre-Vatican II Catholic conservatives.

Since Jiang is a late-20th century Chinese thinker, the main target of his criticism is not the Enlightenment (although he certainly suggests reversing it). Rather, it is the early-20th century May Fourth movement, the watershed moment in which Chinese intellectuals broke with their own historical traditions in favour of Western political and social ideologies. For Jiang, this marked the beginning of a long downward spiral. On the one hand, it resulted in the disastrous embrace of Marxism by the political left, culminating in the Maoist horrors of the 1950s and 1960s (including efforts to eradicate all vestiges of China’s own traditions). On the other, it gave birth to liberal democratic thinkers on the right (such as Hu Shi) and their intellectual progeny – prominent advocates for political reform in China today (such as He Weifang and Liu Xiaobo). For Jiang, such views are equally mistaken, representing a dangerous infatuation with Western political models lacking any real roots in China’s own heritage.

Rarely does one see a modern Chinese philosopher reject outright a century’s worth of political thought, much less one with Jiang’s background. A military truck repairman during the Cultural Revolution, he was one of the first university students (and a law school classmate of He Weifang) admitted after the revived college entrance exam system in 1978. After experimenting with Daoism, Buddhism, and Christianity during the 1980s, he arrived at the revelation that only a revival of Confucianism could solve the pressing problem of political reform in China today. In the 1990s, he retired from teaching, and has spent the past two decades on the fringes of Chinese academia developing his philosophy. In recent years, editor Daniel Bell has been responsible for popularizing Jiang’s views in the West (and concisely summarizing them here in his clear “Introduction”) as an alternative “Confucian political model” to liberal democracy for China.
Of course, unlike Burke, Jiang has a problem. China’s own ideological and historical traditions are in ashes after the turbulent 20th century. China doesn’t have a monarch. Nor an established religion. His answer: invent (or reinvent) them. In three chapters, Jiang sets out his vision of a “Confucian constitutional order” for how China might be governed.

Chapter one sketches his vision for a tricameral legislature. Consistent with his distrust of popular democracy and commitment to elite rule, the three houses each derive their legitimacy from different sources, and serve to check the excesses of the others. The first is a popularly elected chamber (resembling Western legislatures). The second is comprised of descendants of great sages, rulers, famous people, university professors of Chinese history and retired officials. A third chamber comprised of Confucian scholars versed in the classics enjoys a permanent power of veto over legislation proposed by the other two chambers.

Chapter two sets out the role of the Academy—a supreme political body comprised of Confucian scholars (resembling the Iranian Council of Guardians) situated above both the legislature and other state institutions. Duties of the Academy include supervising all executive and legislative organs, recalling officials, conducting exams (for top officials, based on the Confucian classics), and mediating conflicts between different branches of government.

Chapters two and three propose enthroning a symbolic monarch (resembling those in the United Kingdom) who is a blood descendant of Confucius and re-establishing Confucianism as the official state ideology (administered by the Academy). Both of these are aimed at restoring a sense of sacred tradition, thereby addressing Jiang’s concern that “modern [Chinese] politics itself has become a secularizing force that destroys religion and morality” (p. 63), leaving China open to the predatory spread of foreign beliefs, particularly Christianity.

Of course, some of this has no actual basis in Chinese history. That leaves Jiang open to criticism. Is he simply casually borrowing foreign political institutions, infusing them with language loosely taken from China’s own history, vaguely situating them with reference to concepts drawn from the misty past of the Xia/Shang/Zhou dynasties, mixing in utopian proposals made by figures such as Kang Youwei and Huang Zongxi, and presenting the final concoction as an authentic “Confucian” proposal representing Chinese tradition? Jiang’s underlying Burkean logic is that his framework derives real legitimacy from reliance on tradition. But if his proposal itself is a modern invention (and one importing foreign institutions at that), how does it really differ from the liberal democratic ones that he criticizes?

Jiang does not believe that China need strictly adhere to past models. “Changes in historical circumstances may necessitate changes in the form of rule” (p. 32): for him, that justifies everything from creating (limited) formal channels for popular political participation to imposing external checks on state power by an independent scholarly elite to adopting a symbolic monarchy. And Jiang certainly falls within a long tradition of Chinese thinkers who seek to legitimate their reform proposals by reference to the past – whether real or imagined.

In separate chapters, four commentators (Joseph Chan, Bai Tongdong, Chenyang Li and Wang Shaoguang), primarily liberal Confucianists, raise other objections: Confucianism is an ethical system, rather than a comprehensive political one; Jiang’s interpretation of the Chinese concept of tian (heaven) into something resembling a Christian God lacks foundation; his proposals have no possibility of ever actually being realized.

Jiang responds in a concluding chapter. This nice back-and-forth with his critics helps flesh out his ideas in detail, clarifying the extent of his iconoclastic attack on almost all political thought in China today – liberal democrats, the new Left, and
the Party-state itself. Jiang recognizes that his proposals are a “high-flying political ideal, very far from China’s current situation” (p. 67). Firm in his beliefs, Jiang is prepared to wait decades (if not centuries) for a complete revival of Confucianism in state and society in order to see them realized.

In summary, if you are looking for an accurate reflection of Confucianism as historically practiced, or a political proposal with real feasibility, this is not the book for you. But it does offer a unique (and excellently translated) look into how some intellectuals, dissatisfied with China’s frozen political system and the debates surrounding its reform, are attempting to re-appropriate their historical heritage in an urgent search for a way out.

CARL MINZNER
cminzner@law.fordham.edu

The Party Line: How the Media Dictates Public Opinion in Modern China
DOUG YOUNG
Singapore: John Wiley & Sons, 2013
xv + 256 pp. $24.95

As an associate professor of journalism at the prestigious Fudan University in Shanghai, a rare appointment for a non-Chinese, Doug Young would seem almost uniquely positioned to have an inside track on thinking and practices of news work in China. He obviously is well informed, he writes in a lively and straightforward manner, and his long residency in China suggests that he likes the place and the people. His book is a prodigious undertaking with no overt ideological agenda. Yet The Party Line, perhaps in spite of the best of intentions, ultimately serves some of the most enduring stereotypes about Chinese news media.

The central argument of the book is aptly subsumed in the title, positing a cohesive propaganda system imposing a homogeneous message with uniform persuasive results. In this rendering, a monolithic entity, the Chinese Communist Party, relays the permissible and withholds the impermissible via news media conceptualized as singular rather than plural; and these missives are presumed to shape the thinking and behaviour of the audiences at whom they are aimed, the Chinese citizenry.

I have oversimplified, of course, but this is the gist. It’s an old argument that’s been qualified and superseded by a good deal of fine mass communication scholarship over the past three decades, chronicling and analysing the multitude of complications and negotiations, shifting alliances and fractures, interpenetrations and innovations that roil the Chinese media landscape – scholarship that goes largely neglected in this book beyond a nod in the acknowledgments (p. ix) to the excellent, rigorous work of New Zealand political scientist Anne-Marie Brady on China’s media control apparatus.

That’s not to say Young hasn’t perused the literature, for The Party Line offers a broad-ranging survey of Chinese journalism in the post-Mao reform era, with ample accounting of major developments and key events. The author is nothing if not thorough, and his book clearly draws on a panoply of information, the scholarly as well as the journalistic, along with his own experience and knowledge acquired as a long-time China correspondent for Reuters and other news organizations. Yet, peculiarly, the book has neither bibliography nor footnotes to credit what surely was extensive use of secondary sources. Its provenance from a leading global academic publisher makes this all the more curious. And the author’s own introduction