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Ideas behind China's Modern State

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CHINA'S modern state shares basic characteristics with modern states around the world. By the revolutionary movements and the administrative reforms that gave it birth, it was impelled to extend its mobilization of popular energies and to intensify its control over fiscal resources. Revolution and reform were lashed on by foreign aggression, which made national unity and enhanced state power appear essential for China's survival—even more essential than the integrity of her inherited culture. The melancholy necessity to sacrifice historical identity in the quest for national strength has seemed inescapable to Chinese of the modern age.¹

Yet historical identity has contributed powerfully to the special characteristics of China's modern state. Political activists of the late imperial age were already dealing with questions of participation and control in the context of conditions inherited from the seventeenth and eighteenth centuries. I shall suggest that they were responding to a persistent constitutional agenda that links the late imperial with the modern age. By "constitutional" I mean a set of

¹ A French version of this essay was delivered as lectures at the Collège de France during January, 1994. I am grateful to Professor Pierre-Étienne Will and to the Collège de France for permission to publish a partial English version here. Professors Lin Man-houng and Benjamin I. Schwartz have been kind enough to comment on the draft, and Professor Kong Xiangji and Mr. Ch'en Hsi-yuan provided expert advice and assistance. I am particularly thankful to an anonymous referee for this journal for suggesting many improvements.

questions about the legitimate ordering of public life. By “agenda” I mean an abiding consciousness of such questions and a will to pursue them in action. Though the constitutional agenda of the early nineteenth century was expressed in terms proper to that age, the underlying structure of the questions links it to the agendas of later generations.

The constitutional agenda of the nineteenth century grew out of the crisis of the 1790s. That crisis involved the two poles of the Chinese world: local communities, which in Western and Central China were in arms against the state; and the imperial capital, where the tyrant Heshen (1750–1799) exercised a *de facto* regency over an aged “retired” emperor and his still powerless successor. The local and metropolitan crises were linked by Heshen’s nationwide network of extortion, which amounted in effect to a second tax system. Local officials satisfied the demands of their superiors by extorting from the commoners. Among these commoners, groups that were stigmatized either by religion (the White Lotus sectarians) or by ethnicity (the Miao minority) were fair game for greedy officials, each of whom was himself the object of extortion from above. The reactions of these victimized groups ignited the rebellions of the 1790s. To the educated elite of that day, the established order—their order—seemed threatened in ways not seen since the chaos of the dynastic transition a century and a half before. In 1799, the death of the Qianlong Emperor and the execution of Heshen seemed to offer a chance, at last, of doing something about it.

“Like a flock of wild ducks taking wing”²: this was Zeng Guofan’s derisive description of how reformist literati in his father’s day had behaved—once it was safe to speak out—after Qianlong’s death.² Qianlong’s successor had called for criticism and suggestions; censors had offered a spate of memorials, which advocated tougher

² Zeng Guofan, *Zeng wenzhenggong quanji* 曾文正公全集 (Taipei: Shijie shuju, 1965), 2:3–5. “Ying zhao chenyan shu” 應詔陳言疏 (13 Apr. 1850). The main point of Zeng’s famous memorial to the newly enthroned Xianfeng was actually to call for somewhat greater openness to criticism. Zeng believed that the late Daoguang emperor had been forced to clamp down on activist bureaucratic factions “in order to change their presumptuous ways” (referring evidently to the repressive hegemony of Grand Councillor Mujangga after the Opium War); but that this repression had made officials so timid as to preclude vigorous and effective government.

penalties for corrupt officials.³ So little was actually accomplished, however, that later the same year Hong Liangji (1746–1809), a Han-lin academician, dared to declare that the emperor was neglecting his duty in failing to crack down on the corruption and favoritism upon which Heshen's political power had rested. Participation in high policy was too narrow and too timid, because the monarch himself had failed to seek opinions broadly among officialdom. Because the reigning emperor had done nothing to reform the closed political system by which Heshen had usurped executive power, a new tyrant could arise and "all officialdom would flock to his gate once more."⁴ In view of the fact that Hong nearly lost his life as a result of this declaration, Zeng Guofan's contemptuous remark seems somewhat out of place.

Nevertheless, the dilemma of post-Heshen reformist literati—caught between futile memorializing and personal martyrdom—illustrates the constitutional problem of the time. The narrowness of the Qing regime derived from a rigorous suppression of "faction," which since the days of Jiaqing's royal grandfather had been linked to treason. Although factions of course continued to exist, they could not do so openly, and certainly not in pursuit of policy initiatives. If all such political combination outside the ruling circle could be discredited as "factional," what mechanism was left for rallying the support of the educated elite? How could Jiaqing rally support for reform without evoking the dreaded factional conflict that had seemed, since the late Ming, a sure path to state weakness?

The trouble was that Heshen's tyranny was itself a result of the monarchy's relentless softening of the bureaucracy's political backbone. By suppressing factions and thereby stifling policy discussion outside the ruling circle, the monarchy had created its own nemesis:

³ See *Huang Qing zouyi, xubian* 皇清奏議續編 (Mukden? 1936), *juan* 2 for a sampling of these memorials.

⁴ Susan Mann Jones, "Hung Liang-chi (1746–1809): The Perception and Articulation of Political Problems in Late Eighteenth Century China" (Ph.D. diss., Stanford University, 1972), pp. 162, 165, 170. Hong was sentenced to decapitation, but the emperor commuted the sentence to banishment. Jiaqing, burdened with a bad conscience, later pardoned Hong in hopes of obtaining Heaven's favor to end a drought. See David S. Nivison, "Ho-shen and His Accusers: Ideology and Political Behavior in the Eighteenth Century," in *Confucianism in Action*, ed. Nivison and Arthur F. Wright (Stanford: Stanford University Press, 1959), p. 242.

it had weakened the political system's ability to resist a faction that owed its power to royal support. Heshen's was, properly speaking, not so much a faction as a hyper-faction. It was irresistible while its royal patron lived—but, despised by the elite, it could not survive him.

But if literati had a part to play in saving the political order, how could their coordinated actions be distinguished from “factionalism”? Was there a conception of public interest, beyond particular interests, upon which broader literati support might be founded? Hong Liangji had asserted that more inclusive participation (to be achieved by the throne's search for advice beyond narrow court circles) would contribute to a stronger monarchy. His moral-confrontational approach was admired but may have served as a negative example to the generation that followed him. Hong's path, which had led him within sight of the block, was not taken by his successors. Reformer-activists of the next generation focused on practical problems of government: “statecraft” was their banner, not constitutional change. Literati activism, as it developed, addressed many of the prevailing ills in Chinese life, including the worsening economic crisis in the countryside. Yet the writings of Wei Yuan 魏源 (1794–1857), who was the guiding light of “statecraft,” indicate that the constitutional problem lay not far beneath the surface of practical reform. As nineteenth-century conditions made a stronger state an urgent goal, the constitutional agenda was dominated by the question of how to reconcile more inclusive participation with more effective government.

I begin with the constitutional thought of Wei Yuan, because his views on participation and authority exerted influence well beyond his own generation and suggested how more extended participation might be reconciled with enhanced state power. I shall then turn to certain aspects of China's authoritarian tradition that made such participation difficult to achieve—even in pursuit of a stronger state. The reformist ideas of Wei's junior colleague, Feng Guifen 馮桂芬 (1809–1874), were bitterly attacked decades after his death, during the political turmoil of the 1898 Reform Movement. To what Feng had proposed thirty years earlier, the bureaucracy of 1898 responded in terms that reveal some of the basic premises of Chinese political authoritarianism.

PARTICIPATION AND AUTHORITY IN THE THOUGHT OF WEI YUAN

What the political philosopher and activist Liang Qichao was to the twentieth century, Wei Yuan (*mutatis mutandis*) was to the nineteenth. Many activists of the Tongzhi and Guangxu reigns cited his views with approval, or even regarded themselves as his intellectual followers. Wei's ideas, like Liang's, were central to a trend of thought that was to have major consequences for China's modern history.⁵ Here I shall explore two of his concerns—participation and authority—that bear upon the constitutional development of the modern state.

A persistent theme of Wei's political writing is the legitimate boundary of the national polity: defining the part of the community that properly participates in national politics. In China, drawing this boundary has been complicated by the fact that literacy (or more properly, in imperial China, literati status) is much more widely distributed than political power. This is of course a condition not limited to China. But the poignancy of this issue in China, since the beginning of imperial times, is that the literati were trained to consider politics their special vocation—a vocation, I would argue, that has traditionally included a general interest in *national* politics, particularly the quality and legitimacy of government.

Yet the narrowness of the imperial bureaucracy insured that only a tiny fraction of literati could actually participate in government at any level. Here was the irony of the Chinese educational system: at least one component of elite education, that which dealt with the interests of the nation and the historical-theoretical basis of legitimate national rule, was training men to be concerned about issues which the state was determined to keep most of them out of. Men in office and men out of office shared a common literati status, but their actual power was grossly unequal. One might rationalize one's exclusion from power by sanctimonious, fastidious objections to serving in a corrupt or illegitimate regime. Yet when the state was menaced

⁵ For the breadth of Wei's influence, see Li Borong 李柏榮, *Wei Yuan shiyou ji* 魏源師友記 (Changsha: Yuelu shushe, 1983). Also Li Hanwu 李漢武, *Wei Yuan zhuan* 魏源傳 (Changsha: Hunan Daxue chubanshe, 1988), pp. 248–83. Wei's influence was exercised through his network of friends and colleagues, not, of course, through the public press as in Liang's case.

by foreign invaders and domestic rebels, as it was in the nineteenth and twentieth centuries, it became harder to resign oneself to the role of bystander.

Did the breadth of the polity affect the powers of the state? The liberal historian will assume that wider participation might imply certain restraints upon the central powerholders, including the throne. Indeed, in the imperial system of Wei Yuan's day, a suitable balance between arbitrary power and bureaucratic routine was essential to the secure pursuit of official careers. The coercive power of the state, moreover, could not be exercised so capriciously or so ruthlessly as to damage the social system upon which literati careers depended. How much the more would restraints be required in a wider polity! Yet Wei Yuan's times were not well suited to the moderate and temporizing literati style; instead they seemed to require a state that was stauncher toward foreign enemies, harsher toward domestic. How did Wei and his contemporaries perceive the relationship between enhanced state power and the breadth of the polity? The character of this relationship, as it is treated in Wei's political writings, suggests how the origins of China's modern state were connected to the constitutional issues of the late empire.

There are several excellent studies of Wei's life and thought.⁶ Here I should like to consider only those aspects of his biography that seem directly relevant to our present subject. Wei's early years had kept him aware of the social crisis around him. His family of small landowners and traders suffered from the economic disruption wrought by the rebellions of the 1790s. His grandfather was personally involved in averting a peasant rebellion in his home county.⁷

⁶ Biographies include Wang Jiajian 王家儉, *Wei Yuan nianpu* 魏源年譜 (Taipei: Jinghua shuju, 1967); Huang Liyong 黃麗鏞, *Wei Yuan nianpu* (Changsha: Hunan renmin chubanshe, 1985); and Li Hanwu, *Wei Yuan zhuan*. Analyses of his thought that I have found most helpful are Liu Guangjing 劉廣京 (Kwang-ching Liu), "Shijiu shiji chuye Zhongguo zhishi fenzi—Bao Shichen yu Wei Yuan" 十九世紀初葉中國知識分子—包世臣與魏源, in *Zhong-yang yanjiuyuan guoji Hanxue huiyi lunwenji* 中央研究院國際漢學會議論文集 (Taipei: Academia Sinica, 1981), pp. 995–1030; Chan Yiu-nam (Chen Yaonan) 陳耀南, *Wei Yuan yanjiu* 魏源研究 (Jiulong: Zhaoming chubanshe, 1979); and Qi Sihe 齊思和, "Wei Yuan yu wan-Qing xuefeng 魏源與完清學風," *Yanjing xuebao* 39 (Dec. 1950): 177–226. In English see Jane Kate Leonard, *Wei Yuan and China's Rediscovery of the Maritime World*. (Cambridge: Council on East Asian Studies, Harvard University, 1984).

⁷ Li Hanwu, *Wei Yuan zhuan*, p. 2.

He was also keenly aware, at every milestone of his own youth, of violent assaults upon the established order. In his preface to the *Shengwu ji* 聖武記, a history of imperial military campaigns, Wei noted that his birth had occurred the year before the Miao uprising of 1795, that he had attained his licentiate the year the White Lotus rebellion was suppressed, and his first advanced degree the year of the Lin Qing uprising.⁸ His theoretical writings were those of a man keenly aware of the recurrent crises of a weakened political order.

Wei's public career illustrates the central ambiguity embedded in China's social order: between men in office and men out of office, the gradient of power was very steep; yet the gradient of social status was not. He himself held no administrative rank until late in life, and served less than a year in a minor office.⁹ Yet he was deeply engaged in the factional politics of the 1820s and 1830s under the protection of official patrons. To these patrons, highly-placed provincial leaders, Wei was linked by shared literati culture and densely-woven personal ties (his patron Tao Zhu, for instance, had been subsidized as a needy student by Wei's grandfather).¹⁰ This ambiguity in the status system permitted the state to absorb, on its margins, talents such as Wei's. But it also raised the awkward question of how such political participation might be given an acceptable rationale, by which the mass of out-of-office literati could participate more actively in national politics. This question, central to Wei's concerns, became more urgent as China slipped deeper into her national crisis.

To Westerners, Wei Yuan has been an appealing figure, but for somewhat ethnocentric reasons. As the author of China's first systematic treatise on the Western nations (a work of strategic intelligence compiled during the Opium War) Wei has been viewed as "progressive" in his outward-looking realism. As compiler of an immense collection of source materials on "statecraft," he has

⁸ Qi Sihe, "Wei Yuan yu wan-Qing xuefeng," pp. 178-79.

⁹ Wei received his first appointment in 1845 (the year he attained the doctorate) as magistrate of Dongtai 東臺 xian, Jiangsu, a post he had to vacate the following year because of his mother's death. Three years later he was appointed magistrate of Xinghua 興化 xian, Jiangsu; his ultimate posting, 1850-1853, was as department magistrate (*zhizhou*) 知周 of Gaoyou 高郵, Jiangsu (rank: 5a). He was discharged in 1853 after being impeached by a political enemy. Wang Jiajian, *Wei Yuan nianpu*.

¹⁰ Li Hanwu, *Wei Yuan zhuan*, p. 2.

been praised as a practical-minded activist in an age of *mandarins fainéants*. As a believer in the irreversibility of history, he has been considered a forerunner of unilinear thinking pleasing to Westerners, whether liberal or Marxist. I suggest, however, that Wei's importance for our understanding of the modern Chinese state lies elsewhere.

To generalize the experience and the ambitions of his particular social group, to give his own world view a universal significance, is the talent of a constitutional thinker. Wei's ambiguous position, closely tied to circles of great power yet never personally in command of such power, was shared by many literati of his age. It was his special role to distill, from such circumstances, a general significance and to express it in a universalistic rhetoric. Wei's constitutional writing is notable for its lack of attention to concrete programs for political change. This may seem strange in a statesman who was renowned for his bold, specific proposals about such institutions as the salt monopoly and the grain-transport system. In matters of deeper constitutional import, however, the practical methodology of change seems of secondary importance to him. His skepticism about the ability of legislation to influence human behavior would have been more agreeable to Burke than to Condorcet. Programs for changing the constitutional order would await Wei's successors. But Wei raised the main issue: how the state could be invigorated by more fervent commitment and more inclusive participation among the literati elite, and at the same time be strengthened in the exercise of its authoritarian rule. This seems a conundrum to us, but was not one for Wei Yuan.

Wei's constitutional thought drew its force from his realization that his own age was unique in Chinese history. After a century of population growth and commercial expansion, the early decades of the nineteenth century found the ruling dynasty in serious trouble. By the 1820s, the domestic economy was being ravaged by currency disorders, caused partly by a worldwide silver shortage and partly by the outflow of silver in payment for opium. And this economic crisis had already touched off widespread peasant rebellion, which now sounded a violent counterpoint in national affairs. The prestige of the throne had been eroded by corruption scandals, its orthodox cosmology and its local control challenged by heterodox religious

sects, its competence cast in doubt by widespread breakdown of the flood-control system. In such circumstances, one resource that a conquest dynasty could not afford to neglect was legitimacy in the eyes of the educated elite.

But this regime was not well situated to rally support from the literati elite. It was a regime of insiders, with scant tolerance for literati policy-meddling from outside the ruling circle. During the reigns of the eighteenth-century monarchs Yongzheng and Qianlong, political combinations of literati had been condemned as factions and punished with ferocity. Accordingly, even the economic and social crisis of the early nineteenth century did not immediately evoke an active literati response. Such a response would have required that the elite overcome their deeply rooted political timidity, their scholastic apathy, and particularly their well-founded fear of coming together in support of public policies. A rationale for such a response, however, forms the central thread of Wei Yuan's constitutional writings. These writings were his *Treatise on Scholarship and Politics*, thirty essays that he gave pride of place in his collected works.¹¹

Wei anchored his argumentation upon his studies of *The Book of Odes* (*Shijing*), a collection of ancient poetry that had become an orthodox text at the royal court by the sixth century B.C. By the time of Confucius, the *Odes* were a reference point for discussions of moral conduct and social practice, as well a safe way to criticize the powerful by allusion.

¹¹ What I translate here awkwardly as "Treatise. . .," Wei gave the allusive title *Mogu* 默觚. On one level, this simply means "Wei Yuan's writing-tablet": *Mo* being a component of Wei's courtesy name, and *gu* being a sort of wooden writing-tablet used in antiquity. The title's intended meaning remains a matter for speculation. *Mo* may allude to the *Analec*s (7.2) phrase "mo er shi zhi" 默而識之 ('listening silently and storing up knowledge'); and *gu* to a phrase in *Jijiou pian* 急就篇, a Han pedagogical text: "qi gu yu zhong yi" 奇觚與衆異 ('an unconventional work written on a wooden tablet'); see *Qinding siku quanshu* edition (Taipei: Taiwan shangwu yinshuguan, 1983), 223.4. My thanks to Mr. Ch'en Hsi-yuan for these suggestions. Although the *Mogu* is undated, there is some evidence that it was brought together late in Wei's life, presumably in the 1850s; see Li Borong's comment in Huang Liyong, *Wei Yuan nianpu*, p. 211. It comprises "Essays on Scholarship" (*xuepian* 學篇) and "Essays on Governance" (*zhipian* 治篇). Originally published as part of Wei's *Guweilang neiji* 古微堂內集 (1878), it is reprinted in *Wei Yuan ji* 魏源集 (Beijing: Zhonghua shuju, 1976), which I cite hereafter as *WYJ*. I am grateful to Professor Lu Baoqian 陸寶千, of the Institute of Modern History, Academia Sinca, for guiding me in my study of *Mogu*.

Wei Yuan's "Preface" to his major study of the *Odes* (*Shiguwei* 詩古微; *Ancient subtleties of the Odes*) shows why he considered them relevant to constitutional issues. The *Odes*, he believed, were not to be understood (in the manner of the dominant "Mao Commentary") as having referred originally to particular persons or events of antiquity, in the conventional "praise and blame" mode of explication. Instead, Wei accorded them a significance more general (we would say, "constitutional"): in them could be found guidance for the public life of the present age. This guidance could be discerned in the *Odes* as the superior moral and political insights of antiquity, including those of the anonymous poets and of the *Odes*' supposed editor, Confucius himself. Here Wei was following the "New Text" tradition, a minor interpretive school dating from the mid-second century B.C. In brief, this tradition of textual commentary attributed to the Confucian classics a prophetic intent to influence mankind's future, through the cryptic expression of "great meanings in subtle language." To return to the "New Text" understanding of the *Odes*, Wei maintained, "would reveal how the Duke of Zhou and Confucius showed their concern for future generations."¹² In this way the *Odes* could resume their rightful role as "writings of remonstrance" (*jianshu* 諫書), both to rulers and to society at large.¹³ In Wei's view, the *Odes* reached beyond the fleeting issues of day-to-day politics, to the very character of public life: it was material for a rhetoric that we may fairly call "constitutional." Wei's departure from a more narrowly text-based scholarship on the *Odes* earned him some reproach for interpretations that went well beyond the evidence. By the standards of the "empirical research" school of his day, such reproaches were certainly justified.

¹² On Wei's study of the *Shijing*, I have consulted Chan Yiu-nam, Li Hanwu, and Tang Zhijun 湯志鈞, "Wei Yuan di 'bianyi' sixiang he Shi, Shu guwei 魏源的變易思想和詩書古微." Yang Shenchi 楊慎之 and Huang Liyong 黃麗鏞, ed., *Wei Yuan sixiang yanjiu* 魏源思想研究 (Changsha: Hunan renmin chubanshe, 1987), pp. 170-90.

¹³ Such a broad interpretation of the *Odes*' purposes had been common in the early days of the empire (Western Han), when Confucians at court evidently had used the *Odes*, along with omens and portents, to exercise some degree of control over headstrong monarchs. Yet even in those days, scholars of the "Old Text" school were beginning to adopt a more modest sort of *Odes*-interpretation, which eschewed overly ambitious interpretations in favor of a narrowly annotative scholarship to link particular *Odes* to specific persons or events of high antiquity. See Chan Yiu-nam, p. 73; also, Steven Jay van Zoeren, *Poetry and Personality: Reading, Exegesis, and Hermeneutics in Traditional China* (Stanford: Stanford University Press, 1991), pp. 83-4.

Yet for Wei, scholarship was not a cerebral exercise, but a guide to action.¹⁴ The *Odes* was not some antique bronze bell, to be authenticated and fondled; but a tocsin in the night.

Using exegesis of the *Odes* as a vehicle for political commentary was a well-established tradition. Wei's *Ancient subtleties* assembled *Odes*-inspired essays from a number of authors, including, among others, his scholarly icon Gu Yanwu (1613–1682), progenitor of the school of empirical studies; the New-Text scholar Zhuang Cunyu (1719–1788); and the classicist and Ming loyalist, Wang Fuchih (1619–1692). Although all these writers had freely used *Odes*-passages to illustrate their own social and historical ideas, Wei Yuan's interpretation showed the most ambitious employment of the *Odes* for political rhetoric.

In using the *Odes* to epitomize general truths about public life, Wei evidently had in mind the philosopher Xunzi (third century B.C.), who had appended stanzas of the *Odes* as pithy, allusive epigraphs to sum up sections of an exposition (just as Wei used them himself); and the only extant "New Text" treatment of the *Odes*, Han Ying's *Exoteric Commentary* (second century B.C.).¹⁵ Wei also acknowledged his debt to the ancient poet Qu Yuan, who had written in the allusive tradition of the *Odes* to comment on great principles: "Using beneficent birds and fragrant herbs to signify loyalty and uprightness; fearsome beasts and filthy things to symbolize slander and villainy." Wei was intent upon discovering the "poets' intention," which had more profound and more general significance than the intention of those who later cited or collected the odes for their own rhetorical purposes.¹⁶ The *Odes*, insisted Wei, could never

¹⁴ Chan Yiu-nam, *Wei Yuan yanjiu*, p. 79.

¹⁵ *The Exoteric Commentary on Han's Odes* (*Hanshi waizhuan* 韓詩外傳), was the only surviving *Odes*-commentary associated with the "New Text" school. See James Robert Hightower, *Han Shih Wai Chuan: Han Ying's Illustrations of the Didactic Application of the Classic of Songs* (Cambridge: Harvard University Press, 1952). It was Wei Yuan's intention, in his *Shiguwei*, to revive the "great meanings expressed in subtle words" embedded in this commentary, and in the two other "New Text" commentaries (the "Qi" 齊 and the "Lu" 魯), which survived only in fragments. Wei saw these alternative traditions as necessary counterparts to the orthodox "Mao" commentary—a syncretic approach, which cannot be called rigidly "New Text." He simply believed that it was necessary to go beyond the "Mao" to reach the *Odes'* deeper meanings. See Li Hanwu, pp. 221–22.

¹⁶ Tang Zhijun, "Wei Yuan di 'bianyi' sixiang," pp. 185–86.

have originated as mere occasion pieces, to “praise or blame” particular persons or actions (as the orthodox commentary would have it), but “were written by benevolent sages to express their most deeply felt concerns.”¹⁷

The *Odes* and their music were composed in order to promulgate the sovereign’s virtue and to transmit the feelings of the people. By guiding grief and happiness, by producing loyalty and filiality, they are the constant complement of public affairs. Therefore by disseminating them in both village and nation, men’s hearts will be moved and the realm will be at peace.¹⁸

The phonological and historical exegesis so prized by eighteenth-century scholars, Wei believed, had actually alienated scholars from the meaning of the classics, particularly the *Odes*. The more transcendent significance of the *Odes*, the “hidden meanings,” would change the consciousness of a decadent and apathetic elite. But exactly how were these “hidden meanings” to affect men’s minds?

When the soundless Rites and Music and the noble aspirations [of the Sages] are stifled in Heaven and Earth, this is when the functions of “incitement to moral awareness” (*xing* 興), “critical observation [of men’s characters]” (*guan* 觀), “sociability” (*qun* 群), and “expression of just grievances” (*yuan* 怨) are exercised by the *Odes*. And [these functions arise] not just from the [conventional] chapter-and-sentence explication of the *Odes*.¹⁹

The four functions Wei refers to were attributed to Confucius himself, who was explaining to his disciples why they should study the *Odes*.²⁰ Their meaning in Confucius’s day must have expressed the identity of his own class of lower-level elite, for whom the *Odes* were becoming a necessary part of a gentleman’s cultural equipment. The language of the *Odes*, well memorized, could shape one’s inward social feelings and give elegant form to one’s outward expression. When we examine the references to these functions in the *Analects* of Confucius, it seems that none of them had a specifically political connotation. “Sociability,” for instance, Confucius explicitly distinguished from “forming factions” (*dang* 黨). It probably

¹⁷ *WYJ*, pp. 231–32. Quoted in Chan Yiu-nam, p. 62.

¹⁸ *WYJ*, pp. 244–45; quoted in Chan Yiu-nam, p. 62. Both Xunzi and Qu Yuan had been associated with the Kingdom of Chu, the ancient region with which Wei, as a Hunanese, identified himself.

¹⁹ *WYJ*, p. 120.

²⁰ *Analects* 17.9.

meant a capacity to associate, with proper deportment, with men of one's own social stratum. But we may well wonder whether "sociability" may have served Wei Yuan as a decorous cloak for political activism. By the early twentieth century, Liang Qichao used *qun* in a similar sense: to mean activism in the public interest, free of the taint of faction.

But it is clear, at least, that Wei regarded the *Odes* as more than an elegant cultural template. Instead, they were to provide a galvanizing force for the elite of a decadent age: they would move the literati elite from apathy to public commitment; from social fragmentation to greater awareness of common identity and interests; and from prudent silence to forthright expression of opinion.

Wei's examination of the question, "What are the legitimate boundaries of the polity?" exemplifies his rhetorical use of the *Odes*. He begins from the assertion that, in politics, truth (at least, the contingent truth of our mundane affairs) assumes multiple appearances: "There is no single doctrine which is absolutely correct, and no single person who is absolutely good. That is why, in the Ode 'Deer Call,' the deer cry out to each other when browsing for food."²¹ The poem to which Wei refers is conventionally understood to read: "The deer call to one another while browsing in the field; I have excellent friends. For them the lute is struck and the flute is played. . . . They love me and show me the perfect path."²² Wei knows that his readers have been accustomed to associate the poem with a harmonious relationship between a ruler and his ministers (symbolized by the deer).²³ Yet in Wei's treatment of the Ode, what stands out is *the communication among the deer*. If correct policies are to emerge through discussion, not flow downward from a single source, the elite must overcome its fear of intercommunication in political affairs, of seeming to organize factions. At the same time, the monarch must accord such consultation the legitimacy that had

²¹ WYJ, p. 35.

²² Adapted from S. Couvreur, S.J., *Cheu King*, 3rd ed. (Sien Hien: Imprimerie de la mission Catholique, 1934), p. 174. Arthur Waley considered Couvreur's to be the best translation based on the traditional Neo-Confucian interpretation by Zhu Xi.

²³ Zhu Xi, whose twelfth-century commentaries were the reigning orthodoxy in Qing times, wrote that this Ode exemplified "the sincerity of mutual liking between guest and host." *Zhuzi yulei* 朱子語類 (Taipei: Huashi chubanshe, 1987), 81.2117.

been denied it by four generations of rulers since the Manchu conquest of China.

From the Forbidden City down to provincial capitals, a wide search for policy opinion must replace dictation by insiders operating from back rooms. “Reading the Ode, ‘Brilliant Are the Flowers,’ one exclaims with a sigh, ‘How well the author of this Ode understood the governance of the realm!’ The first stanza reads, ‘I go everywhere, asking for information and advice.’”²⁴ How could one explain why men of great personal rectitude could still be political failures? Their fatal flaw was an exaggerated faith in their own political self-sufficiency. “Taking the empty theory of ‘abiding in one’s own rectitude’ and applying it to practical affairs will be effective less than three or four times out of ten. If one takes one’s individual ideas and checks them with people here and there, there will be agreement in only five or six cases out of ten.”²⁵ With oblique reference to the conquest dynasty under which he himself was living, Wei pointed out how an ancient conqueror, the Duke of Zhou, established the legitimacy of the Zhou Dynasty by consulting eminent scholars throughout the realm of the conquered Shang kings. To establish dynastic legitimacy, “Gaining the hearts of the scholars” was the conqueror’s first task. “Would not the hearts of the common people follow?”²⁶

Assuming, then, that powerholders should seek extensively for different views, whose views should they seek? Wei Yuan was quite sure that the common people had no appropriate role in politics, save as objects of rule, and in this opinion he was entirely conventional. But scholars (*shi*)—that is, literati who were not officeholders—were a different matter.

Exactly who was to be included in that category? Wei assuredly did not include those lower elite who had obtained only the first degree, the “students” (*shengyuan* 生員), mostly rural or small-town residents, who were not even eligible for official appointment. The countryside, Wei assures us, is not a natural habitat for scholars. “When the sage kings sought scholars, and scholars sought The Way, it was definitely not in rustic places, but in walled administra-

²⁴ *WYJ*, p. 35; Couvreur, pp. 177–78.

²⁵ *WYJ*, p. 35.

²⁶ *WYJ*, p. 59.

tive cities." There, "people are densely gathered, so a lively spirit is also dense; and a lively spirit means a gathering-place for talent." But the countryside was stony ground for learning:

The air of the mountains and woods is pure, but there are no Rites and Music, no teachers and friends for support. If a city scholar whose education is incomplete goes into the mountains, then he is abandoning the bright and luminous for the confined and shadowed. Thus a young lower-degree holder should stay in the capital city, and discussions of ideas should take place in the provincial academies.

If there should be a lower-degree holder who is talented enough to stand out in his rustic abode, he should be brought to the city, where provincial grandees can patronize and encourage him. Powerful patrons would never prefer a rural scholar to one whose urban connections and education made him part of the national elite. As the Ode reads, "From the depths of the valley, the birds fly to the tops of the great trees."²⁷

Despite his rural origins, Wei's years in the provincial capital, and later in Beijing, had made him a man of the city; his scorn for the "rustic" lower-degree holders was entirely conventional for his era and his social class. Although China was even less urbanized in the nineteenth century than it had been a millennium earlier, the idea that urban elites should control rural bumpkins still dominated Chinese political theory.²⁸

By "scholars," Wei (not surprisingly) meant men like himself: urban literati eligible for official appointment, but not actually holding office. (Wei once modestly used the term "lowly scholar" [*xiashi* 下士] in reference to himself. He was then aged thirty-two, a holder of the provincial civil-service degree, and already a staff adviser [*muyou* 幕友] of high officials.)²⁹ Wei Yuan's views on the proper scope of the polity seem well suited to an age when the supply of highly educated men had grossly outrun the political system's capacity to absorb their energies and ideas. This group, whose participation Wei was promoting, let us call "established literati," to

²⁷ *WYJ*, p. 62; Couvreur, p. 180.

²⁸ On urbanization rates, see G. William Skinner, ed., *The City in Late Imperial China* (Stanford: Stanford University Press, 1977), pp. 28-29.

²⁹ *WYJ*, p. 398. Wei notes that, once he had "entered the stream" (become eligible for appointment) he was considered qualified to take up a staff position as *muyou* and to draft policy papers on public questions.

distinguish them from the much larger, lower-ranking group of *shengyuan*, whom Wei distrusted.

Gaining the allegiance of established literati was, however, no ritual exercise. Wei Yuan insisted that the formation of correct government policies required actual competition among men of varying views. The presumption that political truth emerges through the clash of opinions is indeed one well-known justification offered for the encouragement of freedom of speech in the West—and one that does not rely upon a theory of natural rights. Although Wei Yuan is certainly not reaching here for a rationale for “freedom of speech,” he implies strongly that competition among ideas can result in more effective decision-making by the autocrat. “When sagacious officials are at court, their views do not necessarily coincide. But the Great Man uses two views to reach one. Invariably, their views shine in succession, and the leader can choose one to implement.” The perfect staff-man’s point of view! However, Wei goes on to suggest a more general skepticism about our ability to reach absolute political truth. As the Ode says: “The turbid water of the River Jing seem even murkier when one sees them flowing alongside the limpid water of the River Wei. However, it flows clear near the little islets [where the current is slower].”³⁰ This Ode was conventionally explicated as deploring the injustice of the King’s judging an old wife by comparison to a younger, prettier one. Wei gives it a more general significance: we can grasp political truth only in the light of comparison and context.

The problem of long-entrenched powerholders is naturally of concern to any outsider. Rigid policies produce frozen patronage—not a promising environment for men on the margins of politics. Wei shared the New Text vision of a heroic style of political leadership—like that of Confucius, himself, in New Text tradition—and believed that such heroic leadership was needed in periods of national emergency. Such a messianic view meant, to Wei, that routine functionaries, or “able officials” (*nengchen* 能臣), were entirely unsuitable political leaders in ages of desperate peril (in which he certainly counted his own age). What was needed, instead, were “gifted officials” (*caichen* 才臣), men of large vision and stern resolution.³¹

³⁰ Couvreur, p. 40; *WYJ*, p. 50.

³¹ *WYJ*, p. 54.

Among such men he surely must have counted his political intimate, Lin Zexu, leader of the radical anti-opium faction that precipitated the Opium War. The churning effect of replacing conventional bureaucrats with heroic leaders could, in another context, have had a revolutionary outcome. Wei had in mind, certainly not revolution, but rather a more dynamic and powerful central state, one that could deal effectively with its domestic and foreign troubles. (That such a vision of leadership was not confined to New Text scholars was shortly to be demonstrated by Zeng Guofan, the scholar-general who rescued the dynasty from internal rebellion, and who was firmly in the Old Text tradition.)

For his part, the scholar's responsibility was to prepare himself for public service. But Wei considered the civil-service examination system to be worse than useless. (He himself only attained the metropolitan degree at the age of fifty.) How can the perils of the present age "be handled effectively by scholars who have come up through the hack schoolroom texts of the examination system?" Instead, the scholar should cultivate a relentless inquisitiveness about practical affairs:

Suppose your utterances all concern "mind and nature," and your personal demeanor all "ceremonies and righteousness". . . but if you do not examine the people's ills, do not study bureaucratic management, do not look into the state's revenues and border defenses: then supposing one day you enter official service. You will be unable to manage state revenues, unable to pacify the borders, and unable to relieve the people's troubles.³²

Entrusted by his official patron, the reformist official He Changling 賀長齡 (1785-1848), to edit a large collection of materials on government, Wei published in 1826 the compendium *Huangchao jingshi wenbian* 皇朝經世文編 (Collected essays on statecraft of the reigning dynasty), which was designed to engage scholars in practical questions like these. From the standpoint of the imperial court, we may wonder what benefits could be expected from this invitation to inquisitiveness, the suggestion that questions of high policy were the proper business of men outside government. Such an appeal for involvement of established literati in politics could never have occurred without the patronage of highly-placed officials. That as

³² WYJ, p. 36.

prominent a provincial figure as He Changling should have authorized such a project shows how reformist officials were already mobilizing political support outside official channels. Such a strategy, already a fact in the 1820s, was a precursor of the mobilization of literati outrage over the opium question a decade later. In both contexts, government repression of non-official literati activism was shown to have lost its force; and to have given place to a selective encouragement of literati political engagement. Indeed, by the time the *Collected Essays* were published, Wei Yuan and other literati were already intruding gingerly into the realm of capital politics: “Poetry societies” and other decorously-named literati groups (with protectors in high places) had been visible in Beijing since about 1814. They were to play an increasingly open role in battles over policy and official appointments through the period of the Opium War. In this respect, the *Collected Essays* were a public manifestation of a discreet private trend.³³

By this point in our discussion, nobody could be faulted for conceiving a possible connection between the sort of expanded literati participation that Wei envisages, and a transition to some form of civil society, which would eventuate in greater diffusion of political power in society at large. Here, however, is exactly where we can envisage the power of China’s own political agenda.

Two centuries of state-building under the Qing conquerors had refined the machinery of centralized monarchy to a point not seen before in Chinese history. The problem with this monarchy, from the viewpoint of Wei Yuan, was that it was run by too few hands, and not necessarily the best ones; that its narrow circles of power were increasingly ignorant of the nation’s problems; that its enmity to factions had so weakened elite backbones as to make possible the virtual takeover of the monarchy by a single faction (that of Heshen).

During those two centuries, Chinese elites had been strikingly resourceful in sustaining their position by multiple sources of income, increased commercial involvement, and dense social net-

³³ James M. Polachek, *The Inner Opium War* (Cambridge: Council on East Asian Studies, Harvard University, 1992), p. 39 ff, and *passim*.

works. Yet none of these assets could be exploited to the full without state certification of elite privileges and immunities through the civil service degree system.³⁴ We can suppose (as the statecraft promoters evidently did) that events since the 1790s made the centralized state seem more important than ever to the perpetuation of elite status. An era of overpopulation, economic crisis, and popular rebellion was a time, not for limiting state power, but for strengthening it. This last point was to emerge insistently as Western aggression made national security the central theme of elite politics during the dynasty's last years.

Wei Yuan maintained, as we have seen, an entirely conventional view of the basic division between an enlightened urban elite and a docile rural mass (a view that has survived to the present day). That the urbanized, established literati should be included more fully in the governing elite was not linked to a more general theory of political inclusiveness. As we might expect, his was far from a general theory based on innate rights. Instead, the rationale for expanding participation was not justice, but governmental effectiveness.

From a Western perspective, here lies the essence of the Chinese case: Wei repeatedly associated wider participation, not with limiting state power, but with enhancing it. As an example, consider his summons to the literati to put aside their supposedly principled distaste for practical government. To energize the established literati's political vocation required Wei to confront their well-inculcated timidity, as well as a certain moral fastidiousness, among some literati, about administrative service. Such fastidiousness could be expressed either as single-minded devotion to the joys of pure scholarship, or as a concern that "The Kingly Way," or government by moral example (*wangdao* 王道), was impossible in the real world.

Wei's argument went directly to the relationship between means

³⁴ The most sophisticated recent research on elite dominance appears in Joseph W. Esherick and Mary Backus Rankin, ed., *Chinese Local Elites and Patterns of Dominance* (Berkeley: University of California Press, 1990). This work reveals the broad range of strategies used by elites to diversify their sources of income and ramify their social connections. However, an insistent theme in these studies is the role of "political capital" (earned or purchased degrees and ranks, and the human connections that came with them) in building and sustaining elite wealth and status (p. 105). And "only in relatively limited portions of the frontier can Chinese elites be considered totally apart from the state" (p. 340). I believe that this may somewhat understate the case.

and ends. The practical techniques of government—whether in agriculture, taxation, defense, or law—were actually close to the hearts of the culture-heroes of antiquity: “As soon as King Yu had pacified the waters and land, he instituted the tribute and taxes; and bent his efforts to military defense. . . . A sufficiency of food and of military power served as tools for governing the empire.” Where, then, had his own literati colleagues derived such disdain for practical administration? It was, Wei concluded, a misunderstanding. Confucius’s most prominent disciple, Mencius, had stressed that the primary instrument of rule was the ruler’s moral conduct, the mark of the “True King” or “Kingly Way.” By contrast, the “Five Hegemons” (*wuba* 五霸) of late antiquity (military strongmen of lesser virtue) exemplified raw power and weak legitimacy. Literati of later ages had relied on this distinction, Wei wrote, to accord moral qualities greater value than practical governing skills. As a result, Wei believed, “they regarded military strength and food supply as concerns only of the Five Hegemons.”

But the Kingly Way “is finely textured and all-encompassing. Through it runs all the pure and subtle quiddity of existence, including farming and herding, corvée management, military and fiscal affairs.” Indeed, “From ancient times, there have been wealth and power (*fuyang* 富強) that were exercised apart from the Kingly Way, but never the Kingly Way exercised apart from wealth and power.” By “wealth and power,” Wei refers to the state, not to individuals; the expression is exactly the one proclaimed by the “self-strengthening” statesmen of the late nineteenth century, as they set about importing Western technology to strengthen the moribund Qing regime.

Is the distinction between True King and Hegemon then meaningless? Wei confronts this question without flinching: “The distinction between True King and Hegemon lies in their intentions, but not in their actions. Their intentions are characterized, respectively, by principles of public good and private good; but their actions are not greatly different.”³⁵

Wei’s immediate point is that the grubby business of civil and military affairs will not sap the scholars’ moral integrity, assuming that

³⁵ *WYJ*, pp. 35–37.

they have any. The more general implication, however, is that authoritarian government, with its armies, its courts, and its tax collectors must be judged by its ends, not its means. For rigor and ruthlessness, the well-intentioned ruler cannot be condemned.

Shall we then consider Wei as an advocate of remorseless *realpolitik*, a believer that men's evil nature is best controlled by "rewards and punishments," in the manner of the ancient Legalists? I rather see him as closer to the mainstream of imperial Confucianism, which drew selectively from the Legalist tradition. Rewards and punishments had their place, but mainly for the unenlightened commoners: "Punishments to deter evil conduct are for the commoners; commands to deter willful conduct are for the officials; ceremonies to protect virtue are the way for the sages and worthy men to govern themselves."³⁶

Furthermore, the power of government had natural limits. "Laws that force men to do what they cannot do, cannot stand; laws that forbid what men must do, cannot be carried out." And nothing but disruption could result from imposing sudden, radical change by legal fiat.³⁷ Wei was born into the relative sanity of pre-modern China: government could not hope to achieve a fundamental transformation of human nature. Considering China's present-day hybrid system of authoritarian politics and entrepreneurial economics ("market socialism"), it is worth our notice that Wei Yuan considered strong government perfectly compatible with a dynamic private economy. Merchants' quest for private profit even appeared to him an essential ingredient of public policy. Official economic domains (the salt monopoly, the transport of grain) might be run by private merchants more effectively and with ultimate benefit to the state. Sea transport of grain to Beijing, Wei believed, would take advantage of the unprecedented growth of coastal commerce since the late seventeenth century, and would transmute merchant enterprise into public benefit. Capital for mining enterprises could be raised more effectively from private merchants than from government treasuries. Along with many of his contemporaries, Wei recognized the indefeasible claims of the

³⁶ WYJ, p. 45.

³⁷ Ibid.

market over social behavior. It seemed futile, for instance, for the government to issue paper currency, because even imperial decrees could not force the people to accept it.³⁸

Nevertheless, Wei Yuan was notably un-squeamish about coercion. In the hands of the ruler, power existed in order to be used: "To wield a sword but not cut; to grasp an oar but not cross [the river]: nobody is that foolish."³⁹ As he contemplated the chaos of his age, Wei Yuan placed his hopes on two visions, which seemed to him quite compatible: a greater scope for political involvement for the established elite; and an authoritarianism that would not shrink from emulating the "Hegemons"—powerholders so despised by moralistic Confucian historians, but so good at keeping order.

Shortly after Wei's death in 1857 emerged some of the characteristic themes we associate with modern Chinese politics. One was the "disinterested criticism" (*qingyi* 清議) movement, in which high-ranking officials became targets of political attack for having appeased foreign aggressors. This agitation of "outs" against "ins" had begun in the aftermath of the Opium War, but became a major political force only as it became linked to modern nationalism. Another was the effort to graft Western industrial technology onto a Confucian cultural base. Such an effort explicitly proclaimed the cultural neutrality of modern technology. If True King and Hegemon could be distinguished only by their intentions, and not by their actions; if a scholar could throw himself into the practical details of government without imperiling his moral character—then ethics and culture were effectively insulated from the technical details of government. From the ethical neutrality of political technique, to the cultural neutrality of machine technology, is but a short mental step. Champions of "self-strengthening" (many of them admirers of Wei Yuan) believed that the "substance" (*ti* 體) of Confucian culture was essentially invulnerable to the "utility" (*yong* 用) of Western technology. Although Wei Yuan did not live to see "self-strengthening," we may suppose that such an assumption would have caused him little anxiety.

³⁸ Lin Man-houng, "Two Social Theories Revealed: Statecraft Controversies over China's Monetary Crisis, 1808-1854," *Late Imperial China* 12.2 (1991): 14-15; *WYJ*, p. 423.

³⁹ *WYJ*, p. 38.

That wider participation should have been associated so readily with the enhancement of state power, rather than with its limitation, suggests to us the distinctive, native origins of the modern Chinese state. Wealth and power for the central state, more political commitment and participation for the literati: both (and the connection between them) were already on China's constitutional agenda in late imperial times. Though neither vision had been inspired by the West, Chinese were soon to begin importing Western (and Japanese) methods to achieve them.

REFORM ON TRIAL: FENG GUIFEN'S *ESSAYS OF PROTEST*
IN THE CONTEXT OF 1898

Before Wei Yuan had been five years in his grave, China had become a client state of the Western powers. Only by accepting the foreigners' demands for commercial, diplomatic, and missionary privilege could the court obtain the respite—and the Western arms—to defeat the great rebellions that now ravaged China's heartland. The year 1860, when the court accepted the foreigners' terms, was a turning-point in China's constitutional development. To appreciate the importance of the 1860s settlement, we must consider that China's constitutional agenda was cumulative. Old problems remained unsolved even as new ones were added. And it was quickly understood by a few men that even as the rebellions were being suppressed with Western military technology, old constitutional problems might perhaps be addressed with Western political technology. Among the literati of the lower Yangtze provinces who took refuge in the treaty port of Shanghai in the spring of 1860 was an old friend of Wei Yuan: Feng Guifen had fled his native Soochow in May, 1860, as the Taiping rebel army attacked. Less than a year's sojourn in Shanghai, now the main beachhead of Western power and influence, was enough to acquaint him with some Western political notions that seemed relevant to his long-standing concerns about China's domestic problems.

Feng Guifen has (like Wei Yuan) been admired by Western historians, and for similar ethnocentric reasons. Feng is praised as a pioneer of the "self-strengthening" movement (the official effort to

graft Western technology onto a Chinese cultural base). But his significance for China's constitutional history lies in his effort to transform an older Chinese agenda.

Feng's outlook can be distinguished from Wei Yuan's not only by his willingness to give concrete form to what Wei only discussed in theoretical terms, but also by his adaptation of Western political ideas to the issues of the old agenda. Western historians have emphasized his admiration for Western machine technology. A careful examination of his Shanghai writings suggests that he was perhaps even more attracted to Western political technology. Considering his background, this can only be explained by his thorough immersion in China's internal problems.

Precocious and brilliant even by Soochow standards, Feng had won a doctorate at age thirty-two and had been appointed a Hanlin academician in Beijing. Like his friend Wei Yuan, his years in the capital raised him above his provincial origins and linked him with a national network of colleagues. (It makes no more sense to classify Feng as a Soochow landlord, than to classify Mao Zedong as a Hunanese peasant.)⁴⁰ Like Wei, he considered himself part of a national, not a provincial elite; and the essence of his constitutional thinking was to place his provincial concerns in a national framework. These two men, with their official patrons, participated in a reformist coterie that was united by two interlocking sets of concerns. In the foreground was the foreign threat. In the background, and seemingly the more intractable problem, was the economic disaster in the Yangtze provinces.

The massive commercial and demographic growth of the eighteenth century had inflamed economic competition in all spheres of life, not least in government. The commercialization of government occurred as middleman-entrepreneurs attached themselves to the tax system. Unchecked tax-farming impoverished taxpayers at the same time as it diverted revenue from the state. Among the worst offenders were functionaries of the centrally-managed Grain Transport Administration, in effect a free-wheeling taxation agency that

⁴⁰ Compare James Polachek, "Gentry Hegemony: Soochow in the T'ung-chih Restoration," in Frederic Wakeman and Carolyn Grant, ed., *Conflict and Control in Late Imperial China* (Berkeley: University of California Press, 1975), pp. 211-56.

preyed upon officialdom and populace alike. A series of small-scale local rebellions had already been incited by it during the 1840s, and the elites of the most heavily-taxed provinces (including Feng Guifen's notoriously overtaxed home region of Soochow) had reason to believe that worse was in store.

Although local officials were themselves victims of this system, it was the officials who were the targets of peasant anger. Back in his home county during 1849, Feng observed the smouldering fuse in local society: "The commoners have accumulated such resentment toward the magistrates that it has entered their bones and marrow. If an incident should arise [to provoke them], people's minds will turn toward violence."⁴¹ Within a few years the Taiping rebels would be recruiting mass armies from among the disaffected Yangtze peasantry.

For both Wei Yuan and Feng Guifen, increased literati participation was to be the source of the heightened national energy needed to resist the West. They may also have seen it as a fulcrum for dislodging the deeply-entrenched interests behind the Grain Transport Administration. We have seen how Wei Yuan was preoccupied with mobilizing such support and furnishing it with an acceptable rationale. But Wei treated such constitutional questions in very general terms. In the face of the unparalleled disasters that struck China in the years following Wei's death in 1857, Feng Guifen, fifteen years his junior, was driven to give them more concrete form.

Feng's forty *Essays of Protest* (*Jiaobinlu kangyi* 校邠廬抗議), composed apparently during his first year of Shanghai exile, contained two types of proposal.⁴² The first concerned major technical improvements in government operations, whether engineering (changing

⁴¹ Feng Guifen, *Xianzhitang ji* 顯志堂集 (1876; reprint, Taipei: Xuehai chubanshe, 1967) 5.21, (letter of 1849).

⁴² (1897; reprint, Taipei: Xuehai chubanshe, 1967). Feng's own preface is dated November 1861. The exact number of essays originally written in that year is uncertain. Zeng Guofan, to whom Feng sent a manuscript copy in 1862, mentions in his diary the numbers "forty-two" and "forty"; entries for 8 Nov. 1862 and 14 Dec. 1864. Feng himself may have culled certain essays when he sent them around. He omitted the more radical proposals (including the two considered here) from his collected works, the corpus by which he preferred to be evaluated by later generations. To judge from the form of the titles, forty was probably the original number.

the course of the Yellow River) or fiscal (defanging the Grain Transport Administration and reforming the traditional salt monopoly). The second consisted of constitutional changes that would reallocate political power and status, both within the bureaucracy and outside it. The technical sort resembled the agenda of the reformists of the 1820s to 1830s, the period when Lin Zexu and Wei Yuan were active in provincial administration. The constitutional proposals were more radical, and there are unmistakable signs that they were influenced by Western ideas.⁴³

Thanks to a recent archival discovery, we can now use Feng's essays to illuminate the constitutional issues of a much later period. A quarter-century after Feng's death, during the great reform movement of 1898, the ardent young reformist emperor Kuangxu (who had admired Feng's essays for some years) circulated the *Essays of Protest* to government officials in Beijing and demanded comments. The original comments in reply, preserved in the imperial archives, reveal how Feng's views were perceived by some rather conventional political minds.⁴⁴

It is precisely the conventional character of the responses that is so valuable as we attempt to understand the difficulty of establishing a constitutional monarchy in the late years of the Qing. The evolution of China's modern state suggests that conventional perceptions, perhaps more often than radical ones, have dominated

⁴³ Feng's debt to Western ideas was perceived by his contemporaries. For example, Zhao Liewen 趙烈文, a member of Zeng Guofan's staff who read Feng's essays in the spring of 1863, pronounced the proposal to elect high functionaries to be "a practice of the barbarians." However, the essay on rural functionaries struck Zhao as merely "extending Gu Yanwu's ideas," as Feng indeed said it was. See *Nengjingju riji* 能靜居日記 (Taipei: Xuesheng shuju, 1964), pp. 1119–1120 (entry for 30 April, 1863). An authoritative 1993 article from Beijing emphasizes that Feng's interest in the West went well beyond mere technical subjects. However the author forbears to mention Feng's proposal on the election of high officials. Ding Weizhi 丁偉志, "Jiaobinlu kangyi yu Zhongguo wenhua jindaihua" 校邠廬抗義與中國文化近代化, *LSYC* 225.5 (1993): 74–91.

⁴⁴ These documents were first described by Li Kan 李侃 and Gong Shuduo 龔書鐸: "Wuxu bianfa shiqi dui Jiaobinlu kangyi di yici pinglun: jieshao gugong bowuyuan Ming-Qing dang'anbu suocang Jiaobinlu kangyi jianzhuben" 戊戌變法時期對校邠廬抗義的一次評論：介紹故宮博物院明清檔案部所藏校邠廬抗義箋注本, *WW* 266.7 (1978): pp. 53–59. I have had access only to unpaginated manuscript transcriptions of these documents and can cite them only as "comments" (*Jianzhu* 箋注), with the author of the comment indicated in each case. They are intended for eventual publication by the First Historical Archives, Beijing. On Feng Guifen's political thought, see Lü Shih-ch'iang 呂實強, "Feng Gueifen di zhengzhi si-xiang" 馮桂芬的政治思想, *Zhonghua wenhua fuxing yuekan* 中華文化復興月刊 4.2 (1971): pp. 5–12.

China's modern politics. In these comments on what is, even for today's China, a set of radical proposals, we are witnessing the impact of unusual ideas on the generality of officialdom. Though the reception of these ideas was not uniformly hostile, certain reactions show extreme sensitivity where constitutional principles were called into question. The alarm generated by Feng's proposals was not just a momentary setback in some inevitable process of constitutional change, but rather a confirmation of certain fundamental values of Chinese public life.

To appreciate what grated most harshly upon Feng's critics, we must consider that they were reacting to conditions that had greatly changed since Feng's essays were written. Repeated humiliation by foreigners since the treaty settlements of 1860 had generated an atmosphere of heightened political rancor and had afforded new opportunities for attacking the policies of men in power. Those attacks assumed the moralistic, confrontational style known as "disinterested criticism"; its practitioners, the militants of the 1870s and 1880s, were known as the "purist party" (*qingliu dang* 清流黨). This loosely affiliated group of officials denounced men in government for their appeasement of foreign powers (particularly Li Hongzhang, who had been compelled to seek terms from the French). The nasty innuendo was that appeasement stemmed from disloyalty and self-interest.

Compared to Wei Yuan's conception of literati participation, however, "disinterested criticism" rested on rather defensive constitutional grounds. Indeed, it flourished at a time when reform-minded officials considered that too many low-ranking men had already wormed their way into government posts. A leader of the "disinterested criticism" group, Zhang Peilun 張佩綸, was alarmed by the hordes of low-status upstarts frantically pursuing government office:

Once the rank-purchase system was instituted on a large scale, a clamorous restlessness arose among the scholars, farmers, and merchants. The evil results have been confusion among social distinctions, and a disruption of the proper relationship between public and private. If everyone in the kingdom has exalted rank, then there can be no proper order.⁴⁵

⁴⁵ Zhu Shoupeng 朱壽朋, comp., *Guangxu chao donghualu* 光緒朝東華錄 (Beijing: Zhonghua shuju, 1984), p. 1473, memorial by Zhang Peilun, 1883. See also Chen Yongqin 陳勇勤, "Wan-Qing qingliupai sixiang yanjiu" 完清清流派思想研究, *Jindaishi yanjiu* 75.3 (1993): 47.

The official effort to rebuild the established order, following the destructive Taiping rebellion, included numerous proposals to purify the bureaucracy by constricting its channels of entry: to limit the access of the new men, from military and commercial backgrounds, who had begun to move into official posts through military merit or through outright purchase. The socially conservative atmosphere in which *qingyi* arose was reflected in its narrow social base: it was entirely confined to the bureaucracy itself. Its proponents did not attempt to mobilize support from among the wider group of literati, but rather to enhance their own image, and their own prospects, within the bureaucratic establishment. Nor did they advance any argument from principle, that established literati as a group should be granted the privilege of criticizing the conduct of high officials, much less a wider public. Yet by linking the issue of wider participation to the issue of national defense, the “disinterested discussion” group palpably raised the political temperature of the age.

In other respects, too, the realities of public life after 1860 were running counter to conservative constitutional thinking. Local elites (not all “established literati” by any means) had already achieved control over such lucrative new institutions as the commercial tax known as *likin*. Devolution of authority, away from the bureaucracy and into the hands of local elites, was advancing in many sectors of public life. In both rural and urban areas, the rebuilding of communities was being managed by established literati, and by lower-status men as well: education, poor-relief, and public security were urgent tasks that the regular bureaucracy had to delegate to community notables, to an extent unknown a century earlier. And in great commercial cities such as Hankow in the central Yangtze valley, merchant guilds were assuming a more prominent role, under official patronage, in the administration of local services.⁴⁶

Therefore it is not surprising that, by the 1890s, when literati par-

⁴⁶ The social evolution of the late nineteenth century and the transformation of local politics is described by Mary Backus Rankin in *Elite Activism and Political Transformation in China: Zhejiang Province, 1865-1911* (Stanford: Stanford University Press, 1986); and in William T. Rowe, *Hankow: Commerce and Society in a Chinese City, 1796-1889* (Stanford: Stanford University Press, 1984), and *Hankow: Conflict and Community in a Chinese City, 1796-1895* (Stanford: Stanford University Press, 1989).

ticipation was forcefully asserted as a principle, it was already being superseded in practice by more inclusive forms of political action. The constitutional turning-point was the spring of 1895, as the elite reacted furiously against the humiliating peace-treaty just concluded with Japan. On the surface, it seemed as if the principle of "literati participation" was about to be realized. Literati reaction took the form, constitutionally speaking, of "petitions," submitted through the Censorate, by candidates for the highest (doctoral) examination. These men were not in any sense "students," but were established members of the office-eligible elite; clearly the kind of established literati that Wei Yuan had in mind as legitimate participants in national affairs. The sight of hundreds of such men, from sixteen provinces, voicing their outrage at the gates of government offices in Beijing would have left him astonished but delighted.

But the actual content of the "Ten-thousand word letter" drafted by Kang Youwei, and signed by some 1,200 provincial degree-holders, went much further than either Wei Yuan or Feng Guifen could have foreseen. The general populace was to elect representatives ("without regard to whether or not they have held government office") to serve in Beijing as "Court Gentlemen for Consultation" (*yilang* 議郎, a Han-dynasty term), who would offer criticism of imperial commands and serve as spokesmen for the people.

Above, they are to broaden His Majesty's sagelike understanding, so that he can sit in one hall and know the four seas. Below, they are to bring together the minds and wills of the empire, so that all can share cares and pleasures, forgetting the distinction between public and private. . . . Sovereign and people will be of the same body, and China will be as one family. . . . So when funds are to be raised, what sums cannot be raised? When soldiers are to be trained, what numbers cannot be trained? With four hundred million minds as one mind: how could the empire be stronger?⁴⁷

Here we are already in the conceptual world of the modern nation-state, as mediated by the Meiji Constitution in Japan. Such ideas were only conceivable under the duress of imminent foreign conquest, or even (in the Darwinian world of 1890s imperialism) of racial extinction.

⁴⁷ Zhongguo shixue hui 中國史學會, ed., *Zhongri zhanzheng* 中日戰爭 (Shanghai: Shanghai renmin chubanshe, 1961). 2:153.

Hence by the time Feng Guifen's essays were circulated for comment in 1898, an entire generation of conservative opinion had been sensitized to the dangers of political outsiders taking unorthodox routes to political power, and to the mortal dangers posed to centralized monarchy by new, Western-inspired ideas of participation.

Here I shall sample the debate by exploring the reactions to two of Feng's essays—one relating to national institutions and the other to local—that embody the core of his constitutional thought. One advocates extending political participation by making high officials subject to election by lower-ranking officials. Another proposes a denser infrastructure of political control in rural villages. Both more inclusive participation and denser political control are salient elements of China's modern political history; yet in Feng's case, they seemed to be rooted in old constitutional concerns.

"Making the evaluation of officials a public process" (Gong chuzhi yi 公黜陟議) is placed first among the forty essays, and its sweeping implications suggest that Feng saw it as a precondition for all that followed.⁴⁸ Existing practice was to qualify officials through written examinations, and to choose among those qualified by relying on the judgment of a small body of high officials. "How could this do other than render 'talent and virtue' mere empty, baseless criteria?" Feng demanded. Surely the views of "a myriad men" were a more reliable gauge of a candidate's worth. Feng now proposed to make many high posts subject to nomination by the bureaucracy at large. Even low-ranking officials would be required to submit annual nominations for ministerial posts: "The Board of Civil Appointment would record [the nominations] and rank the nominees according to the number of nominations they received. When a vacancy came open, the men listed would be appointed in order [of their position on the list]. Anyone not nominated could not be ranked." The power to nominate local officials would be even more extended, to include even first-degree holders and village elders.

The effect would be to reduce the power of high officials to install their personal followers in office, and thus make the highest central officials responsible, in some degree, to the bureaucracy at large; and local officials to the elites of their communities. Yet Feng makes

⁴⁸ Feng, *Jiaobinlu kangyi*, "Gong chuzhi yi," 1-2b.

no explicit case for the principle of representation, or for the limitation of power.

Feng acknowledges no foreign source for this proposal; and he cites a number of Chinese authorities that, he insists, fit the spirit of it. Yet we can discern a telltale track of his Shanghai informants: his assertion that, in weighing opinions, the thing to do is to *count them*. No idea is less congenial to the Chinese governmental system than that of equally-weighted votes, for the simple reason that one man's opinion is assuredly not equivalent to the opinion of any other; men are, after all, differentiated by both virtue and education. Yet, in our exploration of Wei Yuan's thought, we have already observed the conundrum underlying Chinese social structure: though political power and status were unequally distributed, the literati shared a certain equality of cultural status. In their effort to broaden political participation, both Wei Yuan and Feng Guifen emphasized the shared-status aspect of literati identity. The idea that all literati shared a common and legitimate concern for public affairs was a transitional concept of some importance in early modern politics. Before long, nationalism would add another component of shared status: common membership in a society that was coterminous with a national polity—that is, a nation-state. Here was a more volatile idea, one that extended indefinitely into the commoner population; and one that, by the late nineteenth century, was inflamed by a fear of racial extinction.

Reactions to this proposal in 1898 were almost uniformly hostile, but the grounds for objection were not trivial: they were phrased as a concern for public good over private advantage, and for principle over opportunism. Transferring such powers to lower levels of the elite would allow private interests to invade what should be an objective appointment procedure. If the state were to rely on the opinions of lower officials and the local elite, the appointment process would be skewed by “considerations of personal feelings and face.”⁴⁹ Were not high officials expected to be impartial in assessing merit among their subordinates? If they “hew firmly to the public interest, then there will be no difficulty getting good men.”⁵⁰

⁴⁹ Puqiu 溥丘 comments.

⁵⁰ Yanqing 延清 comments.

The pursuit of private ends would lead inevitably to the formation of factions, wrote Feng's critics. As soon as factions form to "promote the interests of their members," the chances of getting good men into office will be remote. Once the appointment power falls into the hands of factions, "nothing will be heard of the upright and decent" (who by their nature would shun factions).⁵¹ Only a small, high-placed group of officials can attain an objective view; bringing in the mass of educated men will make such objectivity impossible. Inevitably, "crafty officials" will all "flip the dust off their caps [preparatory to assuming their new posts] and congratulate one another," and the sincere, unassuming aspirant, whatever his merit, will have no chance at all.⁵²

A related concern was expressed in the phrase "pressure tactics" (*xiezhi* 挾制): a cliché in Chinese political writing. The fear was that officials would find themselves manipulated or blackmailed by those below.⁵³

The proposal was harshly criticized by Feng's old patron, Li Hongzhang, who had known Feng well during his Shanghai sojourn. If the power to recommend officials were extended to lower ranks, then "everyone would have his private interest to promote," and the truth would never emerge. Because high officials already were responsible for evaluating their subordinates, they should retain the corresponding power to recommend them or impeach them. The impartiality of high officials, wrote Li, must not be swayed by pressures from below. Feng's proposal, he declared, "was modeled on the system by which the American Congress selects officials, without understanding its evils. [In that system,] those below seek their private advantage, those above protect their clients. At its worst, the system amounts to seeking office through bribery. Perceptive people in that country are already well aware of this."⁵⁴

What the critics feared was not some abstract diminution of the traditional appointive power, but a political system dominated by factional strife, a scramble for advantage, and the exaltation of purely private ends. In such a system, they insisted, not the cream but

⁵¹ Wang Zhensheng 王振聲 comments.

⁵² Puqiu comments.

⁵³ Lai Qingjian 賴清鍵 comments.

⁵⁴ Li Hongzhang comments.

the scum would rise to the surface. We must regard this fear as the deeply-ingrained attitude of a tiny, privileged elite, which understood its monopoly of political power through the mandarin premise: that education raised men above petty, private considerations; and that high officials specially qualified by education must therefore embody a purer view of the public interest than those below them. The inevitable exceptions were to be dealt with by the existing system, in which all superior officials were in theory held personally accountable for the behavior of men whom they recommended, as well as for impeaching improper conduct among subordinates. At the apex of the system, anchoring the system in the purest public-mindedness, was the monarch, who presumably owed favors to no man. That partiality and factions flourished in actual practice, did not make them acceptable in theory.

In his proposal on official appointments, Feng was advocating an expanded political role for the lower bureaucracy and local literati. To deal with the dangerous volatility of local society, he aimed directly at the problem of predatory middlemen: the hustlers who had inserted themselves into local government as a way of making money. His essay, "On restoring the system of local headmen," (Fu xiangzhi yi 復鄉制議) was inspired by a familiar example from late antiquity: the rural government system of the Qin and Han periods, in which "district" and "neighborhood" officers formed a fine network of control in the villages, a system admired by Feng's seventeenth-century mentor Gu Yanwu.

Over the centuries of imperial history, no constitutional issue has generated more heat than the proper character of rural government: how were the interests of the state and the local communities to be balanced? Were natural, communitarian organizations (the lineage, the local cult, the village elders) the best instruments for ordering society and nourishing the state? Would it be necessary to use a government-supervised system of mutual responsibility, or a more ramified bureaucracy? How could the power of local elites be socialized to accord with the purposes of the state? Such questions gained urgency from the population pressure, the economic insecurity, and the smoldering popular temper of the nineteenth century.

Feng's proposal for rural government must be viewed in the light

of his overriding concern to rationalize the rural tax system and so preclude peasant rebellion. Reducing special privilege and breaking the power of the Grain Transport Administration were vital first steps. But even tax reform would not solve the problem of how to harmonize relations between officials and commoners. The rebellious temper of the countryside required a mechanism to build trust, mediate legal cases, and defuse explosive situations. Feng's solution was a new kind of middleman, who would be chosen by the villagers themselves through paper ballots.

Like Wei Yuan, Feng had been inspired by the writings of the seventeenth-century scholar Gu Yanwu. Gu's famous dictum, "When high officials are numerous, the age will be in decline; when lesser officials are numerous, the age will flourish" was considered admirable but visionary (how could all those lower officials be fed and supervised?)⁵⁵ Yet Feng believed that the pressures of China's overcrowded village society required something better than the informal delegation of power to local bosses. Surely the solution was not to expand the numbers of sub-county "assistants" (*li-yuan* 吏員), whose social origins Feng considered "miscellaneous" and whose aspirations were "undistinguished." Such men, often from distant places, obtained their rank by purchase and depended wholly on what money they could scrape from their jobs. They "act like dogs and horses to the rich and treat the poor as fish and meat." It was such as they, along with the notorious clerks, who had so disastrously commercialized local government.

The solution Feng proposed was to use local men whom the populace would trust because they had chosen them. They would have quasi-official status but would be chosen by groups of 100 and 1000 households. Nominees would be drawn from the level beneath the mistrusted first-degree holders. Here again was the unmistakable imprint of the West: each villager was to write his name and his nominee on a slip of paper; the slips would be counted, and the man with the most slips would be appointed.

The 1898 reactions to this proposal revolved around two points: (1) The necessity for a rigid line of demarcation between officials

⁵⁵ Quoted by Feng, in "Fu xiangzhi yi," p. 10; the original source is Gu's "Xiangting zhi zhi" 鄉亭之制, in *Yuanchaoben rizhilu* 原抄本日知錄 (Taipei: Minglun chubanshe, 1970), p. 231.

and non-officials; (2) Fear that a quasi-official elite would arrogate power to themselves and disregard the public interest. How would it serve the public interest to establish, in addition to regular bureaucrats, “numerous men who act as officials without actually being officials”?⁵⁶ An intermediate stratum that was neither official nor commoner was inconsistent with the realities of rural society: “The people’s nature (*minfeng* 民風) is not that of antiquity. If the local functionaries have no authority then the people will not obey them. If they do have authority, then they are bound to be authoritarian in their methods, and the people still will not obey them.”⁵⁷

Such an intermediate stratum would not only be useless; it might also be dangerous. The experiences of the mid-century rebellions had reinforced official fears of local leaders with too much power. With the slightest encouragement, “bad gentry and evil managers” would arrogate power to themselves and exert improper pressure on local bureaucrats. Here again is the fear of manipulation from below (*xiezhi* or *qianzhi* 牽制), by which local interests would nullify the authority of the magistrate.⁵⁸ So great was the official mistrust of non-official middlemen that Feng’s elected headmen looked, to his critics, no different from the predatory local strongmen who now controlled much of village China.⁵⁹ What could be a greater threat to law and order? To make matters worse, asserted the critics, Feng’s new stratum of middlemen would not even function as advertised. Instead of passing information upward through the system, they would tend to conceal it, thus rendering the whole system pointless. The magistrate himself was supposed to remain close to the people. Why impede his work with a new layer of middlemen?⁶⁰

Finally, the 1898 reactions to Feng’s *Essays of Protest* are epitomized by one of Feng’s severest critics, the Hanlin academician Chen Ding 陳鼎.⁶¹ The comments of this eccentric and evidently

⁵⁶ Wenzheng 文徵 comments.

⁵⁷ Wang Zhensheng comments.

⁵⁸ Yang Shixie 楊士燮, Puqiu, and Zhao Erzhen 趙爾震 comments.

⁵⁹ Zhao Erzhen comments.

⁶⁰ Puqiu comments.

⁶¹ Chen, a Hunanese scholar, had been appointed to the Hanlin academy in 1880 and later promoted to Junior Compiler, a rank that entitled him to remain at the Academy. For information on Chen, I am indebted to an unpublished manuscript by Kong Xiangji 孔祥吉, cited here by permission of the author.

fearless scholar illustrate how inadequately the term “conservative” can be applied to the opponents of reform. Chen was hardly a stereotypical foe of Western culture. In his comments to Feng’s essay, “On Proper Management of the Barbarians,” Chen advocated that Chinese learn foreign languages extensively; and even offered such outrageous ideas as intermarriage with foreigners (beginning with “high officials”—the purpose being to gather intelligence!) and cooptation of Christianity as one of China’s officially-venerated cults, along with Buddhism.⁶² The effects of these inflammatory proposals on conventional minds, on the eve of the Boxer uprising, can well be imagined.

Yet to Feng’s constitutional proposals, Chen’s reactions were scathingly orthodox. To draw appointment nominations from lower bureaucrats would lead to corruption and fragmentation of the state. What appeared to be a “public” process would merely provide a feast for private interests. “Actually,” he wrote, “the opinion of the crowd cannot be formed by public interest, and so-called “public” opinion must really be motivated by private interests.” And how could one hope for impartial evaluations of merit in such quarters? “If we transfer the power of appointment downward into the hands of lower officials, seeking evaluations through all sorts of perverse utterances,” total chaos would result. In place of impartial administration would emerge rule by powerful factions:

It is not hard for officials to avoid offending the powerful. And whomever the powerful favor, the whole realm favors. [In ancient times the philosopher] Mencius spoke thus, and how much the more must it be so with today’s officials. Through collusion they can gain reputations as “meritorious officials”; and what is called “public selection” will actually be the [machinations of] one man.

Under such a regime, office-seekers would collude with one another to curry favor and appease the powerful. “If this is the way they gain their reputations, what time will they have to spare for the interests of the State?”

At the hands of this acerbic critic, Feng’s proposals for reinstituting “local headmen” fared no better. The scene is one of naked

⁶² For a transcription of parts of Chen Ding’s *Jiaobinlu kangyi bielun* 校邠廬抗議別論, an unpublished manuscript in the First Historical Archives, and for biographical information on Chen, I am indebted to Professor Kong Xiangji. All my citations of Chen refer to this transcription.

greed and rampant intimidation:

Power attracts any man, all the more if there is salary attached, and if he can manage affairs and assume the dignity of an official. . . . At nomination time, not only will groups scurry about touting their own merits; lineages and kin-groups will all set up their standards. Or worse, there will be men who rely on powerful gentry to promote their faction and to force the villagers to elect them.

And Chen's critique reflects the conventional scorn of lower-level middlemen: "Upright scholars and decent men all have their own families to manage. Rich households have their livelihoods. Such persons would never be willing to assume this kind of [low-level administrative] post. Those who would want to are only the evil licentiates (*diaosheng liejian* 刁生劣監) and the vagrants with no means of support." Feng's proposals would lead China toward Western-style democracy. But look at the dire results in the West!

In Western countries there are different religions and parties that frequently fight one another. When they kill kings and fathers, they do not regard it as perverse. When they oppress the people, they do not regard it as blameworthy. Is this not the result of the people's having seized power?

May we not, finally, look beyond the usual "conservative" or "reactionary" labels in our efforts to understand Feng's critics, and through them the backlash against the 1898 reformers? We are verging here, I would suggest, upon the inner core of Chinese authoritarianism, a system of beliefs about human behavior that did not necessarily dissolve with the emergence of the modern state.

Why did public authorities exist? Surely to keep private interests in check. The belief was founded on a conviction that public values were not adequately internalized to permit people to pursue their private interests unchecked. It follows that political competition and the resulting factional struggle can only result in damage to the public interest. Only the regular bureaucracy can prevent the elite as a whole from exercising illegitimate power in pursuit of private interests. Only the upper layers of the ruling group can attain the kind of objectivity needed to keep the bureaucracy as a whole from pursuing private or factional ends. And at the very top, only the emperor can ensure that the system as a whole is directed toward the public interest. These assumptions in turn assume that the higher the official rank, the more objective the view of the public interest.

The critics' social vision was a bleak one. It was summed up in

the conventional lament, "The nature of the people (or of the age) is not that of antiquity." By this was meant that present-day society was a long way from the classical vision of ancient society as a utopia in which every man had a natural concern for the public interest. Public values were so internalized that authoritarian coercion was unnecessary.

But in the present age, authority was needed to keep private interests in check. Assuming that top officials would do so presents a vexing problem: how could you be sure that top officials were not, themselves, acting on behalf of private interests? The problem ceased to exist if you believed that higher officials would inevitably have a more objective view of the public interest than lower ones, and that the bureaucracy as a whole would have a more objective view than mere private persons. This view was reinforced by the moralistic assumptions about factional activity. It was believed that only base motives could lead men to join factions. Factional self-promotion is identified with a certain character type, the "crafty official" (*qiaohuan* 巧宦). A decent, sincere, self-respecting man would not compete that way. The business of "getting ahead," through patronage and favoritism, though universally practiced, was never publicly approved. So factions were not bad just because they divided the polity, but because those who join them are likely to be scoundrels. By a charming illogic, because high officials were likely to be worthy men, they could not have attained their positions by behaving like scoundrels!

Though lower bureaucrats were supposed to be controlled by their superiors, the greatest threat to the public interest was seen to lie outside the bureaucracy: in the multiple strata of middlemen who competed for public resources. These middlemen always threatened to arrogate to themselves, for private gain, powers that properly belonged to the bureaucracy. Giving authority to a new stratum of quasi-bureaucrats in local society, as Feng proposed, was just asking for trouble. Such men would inevitably wield *illegitimate power* (I think that is how we must understand the terms *xiezhi* and *bachi* 把持) at the expense of the public interest. The lowly first-degree holders, who were not fully subject to bureaucratic discipline, were particularly suspect.

Feng himself would have understood this line of reasoning.

He was well aware of the danger of unchecked local power. His program for rebuilding local society was a step away from the unregulated rule of local militia-leaders and "gentry managers" (officially-sanctioned local bosses). With firm ties to the upper bureaucracy, Feng was no liberal; nor do his writings reveal any sense whatever of popular sovereignty or popular rights. His position was, however, close to that of his intellectual forerunner, Wei Yuan, in that he believed that the public interest was more widely internalized, among the elite, than conventional wisdom assumed.

But consider the late-century scene as Feng's critics must have done. The mid-century rebellions had been suppressed, but at a terrible cost. The government's authority had been dangerously diluted. At the top was an uneasy alliance between the court and powerful provincial leaders. Control over the land-tax had, to some extent, been lost to private middlemen. Within the elite itself, the power of private wealth (through the purchase of ranks and offices) had dangerously increased. Privatization of public resources was rampant on every level of government. In these circumstances, to re-establish the authority of the regular bureaucracy was the way to keep Chinese society from total breakdown. Proposals to distribute power more widely must have seemed to invite chaos and corruption everywhere. The principled response was to seek greater objectivity and firmer enforcement of public interest over private. If the public interest was not dominant in every man's mind, what but bureaucratic control could hold anarchy at bay?

The idea that there exists a "public interest," as distinct from the sum of private interests, seems an anachronism in the modern world. The liberal democracies have largely lost the capacity even to express such a view. Bizarre as the conception of "public interest" may seem in contemporary America, that conception was a dominant theme in the early republic. Although there was lively disagreement as to how such a "public interest" or "public good" might be realized in the practice of government, its existence was not seriously doubted.

The great vehicle for popularizing the principles of the proposed new Constitution of 1787, *The Federalist*, provides abundant examples of this faith. For our present purposes, the essential question addressed by the essays that make up *The Federalist* is how to reconcile

the public interest with a multiplicity of private interests. Private interests, expressed through “factions,” would always exist among the populace. In his celebrated essay number 10 James Madison wrote that one of the advantages of “a well-constructed Union” was that it tended “to break and control the violence of faction.”⁶³ Popular government had been criticized because “the public good is disregarded in the conflicts of rival parties,” and that “an interested and overbearing majority” would promote its aims in defiance of the public and of legitimate minority interests. Madison elaborated: “By a faction, I understand a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community.” “Factions,” however, Madison believed to be a constant presence in society. Though they are by nature “adverse” to the public interest, their causes are “sown in the nature of man.” Government could not protect the public interest by stamping them out, which would erase liberty itself. Nor could the public interest be made universal by changing (or as the Chinese would say, “transforming”; *hua* 化) the character of the citizenry, “by giving to every citizen the same opinions, the same passions, and the same interests,” which was impossible, given the “diversity in the faculties of men.”

Despite Madison’s pessimistic view of faction as an irrepressible outgrowth of human nature, his remedy was astonishingly sanguine. Citizens might have their private interests, but they had also an innate civic consciousness. However vulnerable to the forces of passion and private interest, ordinary men had the civic sense to recognize “men of virtue and wisdom” as their proper representatives.⁶⁴ In a republic big enough, the passions of faction would be filtered through these “men of virtue and wisdom,” whose elevated

⁶³ *The Federalist, or The New Constitution*. Papers by Alexander Hamilton, James Madison, and John Jay (New York: Modern Library, 1941), pp. 53–62.

⁶⁴ *The Papers of James Madison*, ed. William Hutchison et al. (Chicago: University of Chicago Press, 1962–) 11:163; quoted in Michael T. Gibbons, “The public sphere, commercial society, and The Federalist Papers,” in Wilson Carey McWilliams and Michael T. Gibbons, ed., *The Federalists, the Antifederalists, and the American Political Tradition* (Westport, Conn: Greenwood Press, 1992), pp. 119–20.

view of the public interest would save society from faction's destructive effects.

Madison's resort to men who, by their "virtue and wisdom" are better suited than their compatriots to discern the public interest, has led critics to label him elitist; and the connection of "virtue and wisdom" to high public office would not have seemed unreasonable to an imperial mandarin. If Madison was not offering a "Chinese" solution of "enlightened statesmen," he yet persisted in his belief that some men are more likely than others to discern the public interest. By virtue of their position, the people's representatives "may best discern the true interest of their country," and their "patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations."⁶⁵

Yet in their conceptions of the public interest, Madison and the mandarins differed on a crucial point. Madison's representative principle rested on the premise that civic virtue—though specially concentrated in men of virtue and wisdom—was in fact widespread among the populace, even though in a form less refined. Republicanism depended on it: without "virtue in the people," good government was inconceivable.⁶⁶ So the character of the people was, in its civic sense (as the Chinese would say) "equal to that of antiquity." This essential quality, which made representative government possible, also precluded a fundamental distinction between rulers and ruled.

By contrast, the pessimism of Feng's mandarin critics precludes even the possibility of effective representation. If ordinary men lacked civic sense, they might rightly be feared by guardians of the public interest. If even officials were so vulnerable to the blandishments of faction-leaders that they could not be trusted to express opinions on the leadership, how much less trustworthy the commoners? Without civic virtue, villagers and bureaucrats alike would easily be deceived by the wiles of ambitious villains. With civic virtue so unevenly distributed, a government of superior men is needed to

⁶⁵ *The Federalist*, p. 60. For a general discussion of how the concept of public interest fared historically, and its treatment by social scientists, see J. A. W. Gunn, "Public Interest," in Terence Ball, et al., ed., *Political Innovation and Conceptual Change* (Cambridge: Cambridge University Press, 1989), pp. 194–210.

⁶⁶ Madison, *Papers*, 11:163, quoted in Gibbons, "Public Sphere," p. 119.

“transform” the mass of the people. Madison, by contrast, considers “the present genius of the people of America” as quite incapable of electing a body of representatives “who would be disposed to form and pursue a scheme of tyranny or treachery.”⁶⁷

Was civic virtue really so rare among ordinary Chinese? Wei Yuan, as we have seen, believed that beneath the apathetic style of his literati contemporaries lay a capacity to be roused in defense of the public interest. Moreover, there is abundant evidence in the local scene that concern for the public interest was not only thriving, but even served as an emblem of legitimate elite status. County gazetteers display, besides local pride, concrete commitments to public interest in the form of charity and the management of public services. A wealthy merchant could signify his membership in the local elite, not only by buying ranks and titles, but by performing such “good works” (*shanxing* 善行) as would earn him a biographical notice in the county gazetteer and a space on the engraved stele of the local temple association. Nor was natural civic virtue neglected by Chinese political writers. Although the blissful altruism of “antiquity” remained a remote vision, the natural affection of men for their home communities might yet prove the firmest surety for good government. The most celebrated expression of this view, and that most often cited in the last decades of the empire, was *On the System of bureaucratic government* (Junxian lun 群縣論) by Gu Yanwu.

But if there was believed to be some degree of immanent civic virtue among ordinary Chinese, it apparently was thought to work best in a local setting. To conceive of it on the national scale—the arena of greatest concern to Feng Guifen’s critics—proved exceedingly difficult. It was as if the hometown civism that might work for good government in a county, would become a deformed and destructive factor in a national setting.⁶⁸ It may have been this old,

⁶⁷ *The Federalist* No. 55, p. 363.

⁶⁸ One is reminded here of Montesquieu’s assumption that republican virtue, as a concern for public over private interests, could exist only in a small political framework. Opponents of Madison and his Federalist colleagues drew upon Montesquieu’s warning that “in an extensive republic the public good is sacrificed to a thousand private views.” Quoted in Paul Peterson, “Antifederalist Thought in Contemporary American Politics,” in Josephine F. Pacheco, ed., *Antifederalism: The Legacy of George Mason* (Fairfax, Virginia: George Mason University Press, 1992), p. 130; also see Abraham Kupersmith, “Montesquieu and the ideological strain in Antifederalist thought,” in McWilliams and Gibbons, pp. 47–75.

persistent distrust of local men's meddling in public affairs beyond their "proper station in life" (*benfen* 本分) that marked the essential difference between court-sponsored constitutionalism in the early 1900s and the more participatory national visions of local assemblymen. Here certainly was status-interest being expressed in principled language.

Yet may we not also concede to Feng's critics a degree of seriousness about the future of their world, given what they considered the fragility of the public interest in their era? Lacking representative government, which few Chinese of the time could even conceive of, what was to insure that the public interest was protected? One reasonable solution (the one that most twentieth-century Chinese governments have adopted) was to strengthen bureaucratic control, and thereby to ensure the kind of higher objectivity that could rise above narrow, private interests. Lacking alternatives, authoritarian leadership by regular bureaucrats seemed entirely reasonable to these men. In such a conception we may be glimpsing that obdurate core of authoritarianism that has made a civic order so hard for China to achieve.

The bureaucratic-authoritarian approach can be distinguished from those which hold that (1) social norms are so internalized that everyone, on whatever level, will have the public interest in mind, and hence authoritarian leadership is not needed; or (2) that private selfish interests, when aggregated, will tend to produce a public interest (the "invisible hand"); or (3) that the majority power should prevail, whatever its effect on the rest of society, and that no abstract "public interest" exists. In the liberal democracies, these three last views coexist in uneasy balance.

Feng Guifen's critics believed the first to be a beautiful but vain illusion ("The people's nature is not that of antiquity"). They regarded the second as an absurd fallacy, and presumably would have regarded the third—if they could even have imagined it—as a vision of hell. A society ruled by selfish interests, in which opportunism always conquers principle, in which power and money crush all other human concerns, in which the political process raises incompetent or wicked men to positions of leadership: who would want to live there?