THE DESPOTIC STATE RECONSIDERED: ON A RECENT DEBATE IN CHINESE ACADEMIA

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1 Introduction

As this century's first decade drew to a close, the People's Republic of China witnessed a series of self-encouraging successes: it won more gold medals than the US team during the Beijing Summer Olympics 2008, its economy survived the world financial crisis purportedly much better than did those of its Western rivals, and finally, in 2009, it grandly celebrated its sixtieth anniversary. These achievements were accompanied by certain self-assuring gestures in the intellectual realm, which had matured for some years already but now became more visible than ever.[1] Such gestures occurred, for example, in the field of constitutional theory, as inspired by the ideas of Carl Schmitt (1888–1985).[2] Legal scholars like Chen Duanhong 陈端洪 and Jiang Shigong 强世功, both from Beijing University, published voluminous papers in 2008 and 2009, respectively, in which they argued that the rule of the Communist Party was fully justified not only by the constitution's principles but also by China's so-called "living constitution" (*shenghuo de xianfa* 生活的宪法) or "unwritten constitution" (*bu chengwen xianfa* 不成文宪法). According to Chen and Jiang, this tacit constitution, as part of the country's historical legacy, still preceded its codified laws and hence could never be checked upon by reference to these same laws.[3] From this perspective, China's constitution comprised a legitimate means of self-defense against colonial aggressions,[4] and to call countries like China "despotic" (*zhuanzhi* 专制) because their constitutional practice somehow deviated from their constitutional written text was nothing but a misleading defamation by Western democratic

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1 These developments have been succinctly, though critically, treated in two articles by Xu Jilin 许纪霖, a historian of Modern Chinese thought at East China Normal University (Huadong Shifan Daxue 华东师范大学), see Xu Jilin 2010 and 2011. Both texts are available in English, see Xu Jilin 2018, 20–60, 61–94.

2 See Zhang Xiaodan 2018. On the reception of Carl Schmitt in China, compare also Marchal and Shaw 2017.

3 See Chen Duanhong 2008; Jiang Shigong 2009.

4 Chen Duanhong 2008, 498–499.

states.[5]

Comparable acts of political self-assurance left traces in related areas of research as well. In January 2008, Pan Wei 潘维, professor of international relations also at Beijing University, published an article in the newspaper *Huanqiu shibao* 环球时报, in which he claimed that international wars were now won not by the use of physical weapons but by the effective fashioning and dissemination of political concepts.[6] According to Pan, China suffered from a Western "discursive hegemony" (*huayu baquan* 话语霸权) that had rendered its form of government until the present illegitimate by labeling it "despotic" (*zhuanzhi*). To save its civilization, China needed to fight back and establish its own political terms. In a long interview published the following year, Pan elaborated on this view, stating that concepts such as "society" or "state" do not quite match China's political culture.[7] Western political thinking, according to Pan, builds on sharp conceptual distinctions between state and society or democracy and autocracy, as well as a plurality of interest groups, contracts, rights, and checks and balances. The Chinese way of governing, Pan continues, has always been a very different one, favoring a community that includes worthy, accountable elites and the common people, whose needs are taken care of. In short, as the first decade of the new millennium expired and China experienced a series of national achievements, scholars resolutely emphasized that their country lived by its own political and legal terms and tolerated no conceptual intrusions from outside its borders, especially not from Western liberal democracies.

It is in light of these developments that one needs to interpret what happened at that time in the academic field of history. In 2008, Hou Xudong 侯旭东, newly appointed professor of history at the prestigious Qinghua 清华 University in Beijing, decided to openly unveil what he perceived to be an outright scandal. To do so, he published a long, dense article titled "An Archaeology of Knowledge Concerning the Theory According to which Ancient China was Despotic" (*Zhongguo gudai zhuanzhishuo de zhishi kaogu* 中国古代专制说的知识考古) in *Modern Chinese History Studies* (*Jindaishi yanjiu* 近代史研究).[8] Therein he claimed that for more than one hundred years, the Chinese had been fooled into believing that their country's historical legacy, the Empire, was characterized by "despotic" (*zhuanzhi*) rule.[9] This view, according to Hou, had been shaped by Western authors and, via Japan, later adopted by Chinese reformists at the end of the

5 Jiang Shigong 2009, 12a.
6 Pan Wei 2008, 11.
7 Pan Wei and Ma Ya 2009, 129a.
8 Hou Xudong 2008.
9 Hou claims that the word *zhuanzhi* mostly translates "despotism," "despotic" etc., see ibid., 6, 9: note 5. Compare the discussion in the next section of this paper.

nineteenth century. In this way, the Chinese had not only been conceptually colonized but, even worse, had undergone a process of "self-orientalization" (*ziwo Dongfang hua* 自我东方化).[10] To change this miserable state of affairs, Chinese historians, according to Hou, needed to reclaim the imperial state as their own field of expertise—provided that a so-called "state" (*guojia* 国家) had ever existed in imperial China.[11]

What Hou Xudong brought to the fore was not entirely new, of course. The well-known historian Qian Mu 錢穆 (1895–1990) had already objected to the use of the term *zhuanzhi* in Republican times.[12] More recently, in 1996, Gan Huaizhen 甘懷真, professor of history at National Taiwan University (*Guoli Taiwan Daxue* 國立臺灣大學), had similarly argued that the concept did not apply to imperial China.[13] Just one year before, in 2007, the discussion had migrated from Taiwan to mainland China as Zhao Lidong 赵利栋 treated this topic at some length in a well-researched article.[14] Nonetheless, Hou, who was originally a specialist in the history of early imperial China, had momentum on his side, as well as enough rhetorical ability to appropriate that momentum to his cause. When Yan Buke 阎步克, one of the country's most renowned historians and a professor at Beijing University, whose research covers the same period as Hou's, felt obliged to enter the discussion four years later, he apparently sought to downplay his colleague's impact by clarifying that the recent doubt concerning the term *zhuanzhi* was closely linked to changing political concepts, cultural attitudes, and common sentiments.[15] Still, by publishing two long, complex articles on the subject, even Yan implicitly acknowledged that the question had been successfully placed on the agenda once again.[16] So did other scholars who responded to Hou's call to arms, as well as those who resolutely opposed his

10 Ibid., 27.

11 Ibid., 28. Note that Hou encloses the word *guojia* in quotation marks.

12 See, inter alia, Yan Hongzhong 2006, and, with reference to the present debate, Zhang Zhaojun 2016, especially 122–131. See also Soffel 2013, who does not explicitly treat Qian Mu's view on the term *zhuanzhi* but notes that Qian's conservative views explain why his works have been increasingly well received in the People's Republic.

13 Gan Huaizhen 2003, 511–524. Note that this contribution was first published in 1996 in the *Journal of the Qian Mu Remembrance Hall* (*Qian Mu xiansheng jinianguan guankan* 錢穆先生紀念館館刊). I have discussed the argument of this text in my German dissertation, see Fahr 2021, 302–304.

14 Zhao Lidong 2007. Zhao refers his readers explicitly to the work of Qian Mu and Gan Huaizhen, see ibid., 21: notes 2 and 4. Curiously, Hou does not mention this article. Note, however, that he had presented this paper orally as early as 2005, see Hou Xudong 2008, 28.

15 Yan Buke 2012, 28a.

16 Yan Buke 2012 and 2017. Compare below in section 4.1 of this article.

appeal.[17]

The present paper examines this academic debate on whether the Chinese empire can be reasonably called "despotic" (*zhuanzhi*). It analyzes not only what these scholars argue on this topic but also why they do so—that is, what premises and intentions underlie their contributions, and how they relate to the changing political circumstances of their time. First, however, we need to consider this topic's origin to understand how it could evolve into such a hotly debated subject.

2 Setting the Stage

When the Chinese Empire faced its demise at the end of the nineteenth century, not only did its institutions and relations of power become increasingly fragile but its concepts—the terms by which people communicated the enactment of power—eroded as well.[18] They were replaced by modern Western concepts of the state, which often found their way to China via Japan. These concepts did not necessarily display themselves as loanwords but were regularly conveyed by reusing traditional Chinese vocabulary. In other words, they were *semantic loans* (German *Lehnbedeutungen*), meaning that the words remained the same on the level of linguistic expression, while actually acquiring a different signification. *Guojia*, for example, which once referred to the dynastic community represented by the emperor,[19] now denoted a transpersonal entity—the "state."[20] *Zhuquan* 主權, which literally meant "the ruler's power" in Classical Chinese,[21] now referred to something that should ideally lie not with the ruler but with the state as a whole and its people: "sovereignty."[22] *Guoti* 國體, which once summed up the dynasty's most important rules and institutions,[23] now referred to the basic distribution of power in a given

17 Compare below in sections 3 and 4.

18 On this process, see Zarrow 2012; for the Republican Period, compare Fröhlich 2000.

19 See Gan Huaizhen 2003, 199–248, building on the work of Ogata Isamu 尾形勇; compare Fahr 2021, 26–39.

20 See Zarrow 2012, 89–118, especially 95. There exists voluminous scholarly literature in Chinese on this subject, in particular with reference to Liang Qichao 梁啟超 (1873–1929). For a recent contribution that focuses on the term *guojia* in particular, see Liu Shanshan 2012.

21 See *Guanzi* 17, 982: "When the storehouses are depleted, the ruler's power will deteriorate" (藏竭則主權衰).

22 Zarrow 2012, 98 et passim. Compare Hou Detong 2020.

23 Fahr 2021, 151–152.

polity: its "constitution."[24] Over the course of these changes in meaning, a hierarchically structured group of people under the rule of a single monarch, which had committed itself to certain norms and values, turned into an abstract entity: the state. This entity was authorized by its populace and represented by a government with a standardized, modifiable form.[25]

In the wake of these conceptual adjustments, other words changed their meaning as well, such as *zhuanzhi* 專制. Like the vocabulary mentioned above, *zhuanzhi* was a well-established part of the political lexicon in pre-modern China.[26] Since it could be followed by a direct object,[27] we should probably consistently construe it as a combination of an adverb *zhuan* 專 and a verb *zhi* 制.[28] Depending on the meaning of *zhuan*, the compound *zhuanzhi* could acquire different meanings in Classical Chinese. First, *zhuan*, as a verb, could mean "to arrogate or monopolize (power)."[29] Accordingly, the phrase *zhuanzhi* could mean "to control (matters) without (appropriate) restraint" or, more colloquially, "to control (matters) just as one pleases." According to Wang Wentao's 王文濤 above-mentioned survey of this usage of *zhuanzhi*, three points are notable: (1) its subject is generally a powerful person or a powerful group of people but almost never

24 Zarrow 2012, 98 et passim; Lin Laifan 2013. Note that the word "constitution," like the German "Verfassung," conveys different meanings. It can either refer to a polity's most fundamental written laws or to "the mode in which a state or society is organized, especially the manner in which sovereign power is distributed," see *Merriam-Webster*, "constitution," meaning no. 3. When we speak of the People's Republic's "constitution," we mostly use the word in its former sense, referring to a legal corpus named "Constitution of the People's Republic of China" (*Zhonghua Renmin Gonghe Guo xianfa* 中华人民共和国宪法); when we speak of the Chinese Empire's "constitution," we use the term in its latter sense since the Empire had no codified "constitution."

25 This holds true at least on a conceptual level. To be distinguished from this is the very different question of whether an institutional entity actually existed in imperial China that we may rightfully and meaningfully call a "state." Since this second question touches on quite complicated historical considerations that relate to several disciplines, it is not addressed in this paper.

26 Wang Wentao 2006. The author considers this term's meaning up to the middle of the nineteenth century.

27 See, e.g., *Chunqiu Zuozhuan*, Zhao 19: "If several of our lord's ministers pass away and dignitaries of Jin controlled (the inheritance of) their position as they please, (Zheng) would be (merely) a district or some remote settlement of Jin—how could it count as a state?" (若寡君之二三臣，其卽世者，晉大夫而專制其位，是晉之縣鄙也，何國之為？)

28 Cf. Lippert 1979, 355.

29 See, e.g., *Chunqiu Zuozhuan*, Xiang 27: "Ning Xi of Wei had monopolized (power), and the duke was bothered by it" (衛甯喜專，公患之).

the ruler himself; (2) its connotation is negative, implying that the respective condition is unrightful; and (3) it normally does not characterize a firm institutional arrangement but rather a temporary condition. In *Yanzi chunqiu* 晏子春秋 (*Spring and Autumn of Master Yan*), for example, we read that "if the ruler is unable to put the laws in order and his officials exercise unrestrained control, this is the root of chaos" (君不能飭法，而羣臣專制，亂之本也).[30] In contrast, in *Hanshu* 漢書 (*Documents of the Han*), two people who are plotting against Wang Mang 王莽 (46 BCE–23 CE) claim that he "exercises unrestrained control over policy decisions at court and will necessarily endanger the Liu clan" (專制朝政，必危劉氏).[31] Used like this, *zhuanzhi* testifies to a fundamental principle of China's dynastic communities: under regular circumstances, members were not entitled to avoid the community's control and disobey established rules of behavior.

However, *zhuan* did not necessarily convey the notion of overriding other people's competences. Sometimes, for example, it means "alone" or "on one's own." In this case, *zhuanzhi* needs to be translated as "to act on one's own responsibility" or "to decide something on one's own." A common saying held that women in ancient China "were not supposed to decide matters on their own but were rather committed to follow (the opinion of) three (different people) [their father, their husband, or their son]" (無專制之義，有三從之道).[32] This does not mean that women should not unrightfully usurp power—this was certainly out of question—but rather that they should not make independent decisions. Likewise, when a remonstrant in *Guoyu* 國語 (*Discourses of the States*) tells his lord that "even after (King Wuding 武丁 of Shang 商 [r. ?–1189 BCE]) had attained the right way, he still did not dare to decide matters on his own" (既得道，猶不敢專制),[33] this does not mean that King Wuding had not become an autocrat who disregarded laws and other people's privileges. It simply says that the king, even though he was the most informed person at court, still did not dare to decide without consulting others' opinions.[34] Finally, Jiang Lingnan 蔣凌楠 has recently drawn attention to the fact that *zhuanzhi* was used regularly in late Qing documents that demanded that certain duties should not be shared by several officials but rather assigned to a single person to enhance the administration's efficiency.[35] In this case, *zhuanzhi* needs to be translated as "to be

30 *Yanzi chunqiu* 6, 403.
31 *Hanshu* 99A, 4082.
32 *Da Dai Liji* 13, 245.
33 *Guoyu* 17, 504. Note that this is one of the rare occurrences were the subject of *zhuanzhi* is a ruler.
34 On the role of political consultation prior to the ruler's actual decision in ancient China, compare Fahr and Schwermann 2019.
35 Jiang Lingnan 2015, 155–159.

fully in charge of some task" or "to have full responsibility for some matter."

To say that somebody would *zhuanzhi* could, therefore, have different—though tightly related—meanings: it could mean that the person was in sole charge of some matter; that this person would make their own decisions; or that this person would willfully and unrightfully overstretch their own authority to rule as they please. Before the nineteenth century, however, this person was almost never the ruler, and the term was not applied to the polity's most fundamental institutional arrangements. It was part of the political lexicon but not at its heart.

Since the nineteenth century, however, when a modern Western notion of the state was gradually introduced to China and the Chinese increasingly compared their political institutions to those of other countries, the word began to acquire new meanings. Chinese scholars have invested considerable effort in recent years to reconstruct this history in the style of *Geschichtliche Grundbegriffe* by Reinhart Koselleck (1923–2006).[36] These scholars found that *zhuanzhi* had been used long before 1900 to describe fundamental relations of power in different polities. Wei Yuan's 魏源 (1794–1857) geographical encyclopedia *Haiguo tuzhi* 海國圖志 (*Maps and Descriptions of the Countries of the World*), whose final version was printed in 1852, provides several examples.[37] The February Revolution, which had taken place in France just four years before, is described as follows:

> 道光二十七年，民叛，國王逃避於英國。國民又自專制，不復立君矣。
>
> In the 27th year of the Daoguang period, the people revolted, and the king [i.e., Louis Philippe I (r. 1830–1848)] fled to England. The citizens again decided matters on their own [*zhuanzhi*] and would no longer establish a ruler.[38]

Concerning the Dutch monarchy and the Dutch king's prerogatives, we read the following:

> 國王不得專制其國，惟聽紳士會議施行。
>
> The king is not allowed to rule his country on his own [*zhuanzhi*] but only listens to the assembly of the gentlemen [i.e., the parliament] and implements (its decisions).[39]

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36 For an earlier, still rather cursory treatment of the topic and its intellectual background, see Satō 1996, 303–356.

37 Cf. Jiang Lingnan 2015, 158; Deng Huaying 2018, 103b–104a.

38 Wei Yuan 2002, vol. 743, 42.1a–b. Note that the February Revolution took place in the last week of February 1848—that is, at the beginning of Daoguang 道光 28.

39 Ibid., vol. 743, 40.16a.

Finally, the most peculiar feature of German history is characterized as follows:

> 歐羅巴各國，惟日耳曼國四分五裂，各自稱王立國，亦有未受王號而專制一方者，隨在有之。
>
> Among all European countries, only Germany has undergone numerous divisions. (Everybody) calls himself a king and establishes his own principality, and there are also those who did not receive the title of a king but still rule a certain territory on their own [*zhuanzhi*]. It happens all over the place.[40]

In all three passages, the grammatical subject of *zhuanzhi* is a ruler or a ruling group, who is (or is not) entitled to decide independently and authoritatively on political matters. Their (missing) independence is highlighted either in relation to other institutions of their own polity (as in the case of the Dutch king) or in relation to other polities (as in the case of the regional principalities of pre-modern Germany). Nonetheless, the word is still employed within the precincts of its traditional meaning. It is applied neither in a pejorative fashion nor to a polity's power relations as a whole but to people or groups of people who decide and manage something on their own authority. Therefore, while Wei Yuan made use of a classical Chinese term to describe a hitherto rarely described phenomenon—the distribution of power in different countries around the globe—he did not invest the term with new meaning.

This happened only at the end of the nineteenth century, under the conceptual influence of the West. To understand this semantic shift, we need to draw our attention to a book published 150 years before: *De l'esprit des lois* (*The Spirit of the Laws*), the magnum opus of Montesquieu (1689–1755). In this work, Montesquieu characterizes different forms of government and explains how they differ in terms of their laws, customs, etc. In his view, governments fall into two basic categories: moderate and non-moderate. In a moderate government, the enactment of power is always "moderated," either by positive laws or by other political or social institutions. In Montesquieu's own words, "to form a moderate government, one must combine powers, regulate them, temper them, make them act; one must give one power a ballast, so to speak, to put it in a position to resist another [...]."[41] Even in a monarchy, in which there is a single ruler, power is still moderated by the aristocracy and certain institutional organs, which ensure that the laws of the country are implemented.[42] The monarch, who may judge themselves above the law, cannot do as they please as their rule is checked by other forces.

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40 Ibid., vol. 744, 45.18a.

41 Montesquieu 1989, 63.

42 See ibid., 19: "It is not enough to have intermediate ranks in a monarchy; there must also

A non-moderate government, in contrast, is characterized by unrestrained rule. Power is enacted by the sovereign's sheer will, and the ruled lack any means to counter it in a legitimate way:

> No tempering, modification, accommodation, terms, alternatives, negotiations, remonstrances, nothing as good or better can be proposed. Man is a creature that obeys a creature that wants. [...] It is useless to counter with natural feelings, respect for a father, tenderness for one's children and women, laws of honor, or the state of one's health; one has received the order and that is enough.[43]

Montesquieu calls such government "despotic." This is not to say that it is necessarily headed by an evil person—it is not the subjective inclinations of the despot that render the government despotic. Rather, Montesquieu uses the term to refer to a whole institutional arrangement in which power reigns uncontrolled, no matter who obtains it: "In despotic government, *power* passes entirely into the hands of the one to whom it is entrusted. The vizir is the despot himself, and each individual officer is the vizir."[44]

Werner Kogge and Lisa Wilhelmi have recently argued that this notion of unchecked power, which was associated with "oriental" rulership in particular, indeed matured only in the work of Montesquieu.[45] In this way, they contradict the classic article by Richard Koebner (1885–1958), in which Koebner argued for a continuous development of the concept of "despotism," beginning with the political writings of Aristotle (384–322 BCE).[46] In East Asia, we find Montesquieu's notion of despotic government first in Japan. In 1876, the official and scholar Ga Noriyuki 何礼之 (1840–1923) translated an English version of *The Spirit of the Laws* into Japanese. In the course of this endeavor, he decided to first transliterate the term "despotism" and then translate it as *sensei seiji* 專制政治.[47] In this way, the Chinese word *zhuanzhi*, pronounced *sensei* in Japanese, came to express a core concept of Western political thought.

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be a depository of laws. This depository can only be in the political bodies, which announce the laws when they are made and recall them when they are forgotten."

43 Ibid., 29.

44 Ibid., 65 (originally italicized).

45 Kogge and Wilhelmi 2019.

46 Koebner 1951.

47 Hou Xudong 2008, 11. According to Hou, even one year earlier, in 1875, Ozaki Saburō 尾崎三良 (1842–1918) had used the word *sensei* 專制 in a modern, constitutional way without referring to Montesquieu, see ibid., 10–11. Hou Xudong notes that Ozaki had previously spent several years in England, where he probably picked up this concept. As first textual evidence, Lippert cites a passage from a Japanese text that, according to his bibliography, was probably written in 1878 or 1879, cf. Lippert 1979, 355, 437.

From Japan, the term migrated to China. According to Jiang Lingnan, this first happened in translations from Japanese newspaper articles into Chinese.[48] Interestingly, in these texts, the word *zhuanzhi* is used in its traditional Chinese and modern Western sense. In 1896, for example, the eleventh issue of *Shiwubao* 時務報 included an article on the colonial policy of the British Empire. Its author dwells on the fact that the British colonies, which spanned the globe, were of quite diverse natures. This observation applied to their political outlook as well:

> 其政治雜古今之制，如加拿大、澳洲等殖民之地，均係自創制度，如印度諸部落，亦行專制之政，然統治之者，英國家也。
>
> Their governments combine old and modern institutions. Colonies like Canada and Australia have all established their own political systems by themselves. As for the many tribes of India, they also practice independent rule [*zhuanzhi zhi zheng*]. Still, (these places) fall under British sovereignty.[49]

Here, *zhuanzhi* is used like Wei Yuan would have used it: in reference to autonomous rule. Just one year later, however, again in an article translated from Japanese, we read the following:

> 俄國伸左手於東方[...]。况其國以專制為政，無輿論沮止俄皇之意，其民無選舉法度，無自主權力。
>
> Russia stretches its left hand to the East [...]. Furthermore, this country's government is despotic [*zhuanzhi*]; there exists no public opinion to check the tsar's mood; its people cannot vote and have no sovereign power.[50]

In this instance, *zhuanzhi* is used very differently: it does not relate to the fact that some country, person, or group of persons is entitled to decide matters on their own but rather describes the whole institutional structure of a certain polity, which is characterized by the ruled having no means to check the sovereign's power. Here, in other words, *zhuanzhi* expresses a modern meaning that can be identified with Montesquieu's notion of "despotism."

Both meanings may, of course, appear strikingly similar: Does a person who can decide independently not in fact exercise unrestrained control? Is the difference in meaning, which we try to delineate, anything more than pettifoggery? To clarify that it is not,

48 Jiang Lingnan 2015, 160–162.
49 Kojō 1896. Cf. Zhao Lidong 2007, 24.
50 Kojō 1897. Cf. Zhao Lidong 2007, 25.

we may adduce an everyday example: At German universities, the teaching personnel are principally free to grade their students' tests, term papers, etc. as they consider it appropriate. A department's chair cannot—technically speaking—tell a lecturer how to grade a certain student's essay. Rather, the lecturer is entitled to their own decisions—to *zhuanzhi* in its traditional sense. Does this make the lecturer a "despot"? Certainly not, since their decision can be checked by legal bodies of the faculty or, if necessary, by a regular judge. Even though this lecturer may decide independently, they are not allowed to decide as they please without awaiting any consequences. They may *zhuanzhi* in its traditional sense but not in the term's modern Western sense. The same holds true, for example, for modern parliaments: their members are entitled to vote as they please, being responsible to no one except their own conscience. This does not render the respective majority "despotic," however, as its decisions may be invalidated by constitutional courts.

Likewise, there is a clear difference between the ancient pejorative meaning of *zhuanzhi* and its modern usage. When the so-called "usurper" Wang Mang is said to have "exercised unrestrained control over policy decisions at court" (*zhuanzhi chaozheng*), the implication is that he defied existing distributions of power and disregarded the institutional order of the Han dynasty. If, however, Montesquieu describes a government as despotic, he is referring specifically to the fundamental absence of any distribution of power. Accordingly, it would be contradictory to claim that the head of such a government overrides an existing (unwritten) constitution to "usurp" something—there simply is no such constitution.

The person generally credited with effectively introducing this modern notion of *zhuanzhi* into the sinophone world is Liang Qichao.[51] After the Hundred Days' Reform was suppressed in September 1898, Liang, together with Kang Youwei 康有為 (1858–1927), fled to Japan, where he pursued a lively journalistic activity. Apparently under the influence of the Japanese language, Liang began to use the word *zhuanzhi* in its new sense the following year (1899).[52] In the same year, he translated several texts that used *zhuanzhi* that way into Chinese and published a short introduction to Montesquieu's work, in which he rendered the term "despotism" as *zhuanzhi zhengti* 專制政體.[53] From that point on, this new meaning of the word became increasingly common, developing into an integral part of the modern Chinese language, like many other loanwords transmitted via

51 See already Xu Fuguan 2001, vol. 1, 76–77. Note that according to the foreword to the first volume, this volume was first published in 1972.

52 Jiang Lingnan 2015, 162–163.

53 Zhao Lidong 2007, 23–24; Liang Qichao 1899, 8a et passim. Note that the author declares his text to be "not yet finished" (*wei wan* 未完) on the final page.

Japanese around that time. In his article, Hou Xudong painstakingly documented how the term entered dictionaries and schoolbooks.[54]

However, Liang also did something else. To put this into perspective, we need to return to Montesquieu. In the last chapter of the first part of his book, Montesquieu confronts a fundamental contradiction to his classification—namely, an example that eluded it: China.[55] According to contemporary opinion, China's government was distinguished by the fact that no effective barriers were placed on the emperor's power to rule. Catholic missionaries, however, had convinced their European readers that China's monarchy was not tyrannical at all but promoted and encouraged values such as honor and virtue in its citizens. This ran contrary to Montesquieu's theory, according to which the despot needed to spread fear to secure their rule.[56] Hence, the example of China seemed to contradict the whole classification of different types of government. But Montesquieu did not trust the judgment of the missionaries, whom he considered biased. Rather, he adduced counterevidence, such as from the well-known work of another Jesuit, Jean-Baptiste Du Halde (1674–1743), to bolster his claim that "China [was] a despotic state whose principle [was] fear."[57] Montesquieu modifies his thesis only to the extent that the precarious food supply of the large Chinese population compels the ruler to act particularly circumspectly. Still, he believed that these people did not willingly comply with their emperor's orders but were forced to do so under a heavy stick.[58]

Liang Qichao, as well as others who faced China in a much more critical state than Montesquieu had, readily accepted this conclusion. Accordingly, they employed the modern meaning of *zhuanzhi* to reevaluate their country's imperial past and present. In the case of Liang, for example, we can study this development in an article titled "Why Despotic Government is Bad for the Ruler in Numerous Respects and Does Not Do Him Any Good" (*Lun zhuanzhi zhengti you bai hai yu junzhu er wu yi li* 論專制政體有百害於君主而無一利), published in 1902. In many ways, this is a very traditional text. Written in literary Chinese, it employs traditional Chinese rhetorical devices, such as emotional exclamations marked by grammatical particles,[59] frequently quotes from the Chinese canon, and adopts its principle argument from the first chapter of Huang

54 Hou Xudong 2008, 15–25.
55 Montesquieu 1989, 126–128.
56 Cf. ibid., 21–30 et passim on the different "principles" of the three types of government.
57 Ibid., 128.
58 Ibid., 127.
59 See, e.g., Liang Qichao 1902, 19: "Jie hu" 嗟乎, "Jie fu" 嗟夫, 21: "Wuhu, zhi zai yan hu" 嗚呼，至哉言乎, 29–30 (twice): "Zhuanzhi yun, Zhuanzhi yun" 專制云, 專制云, and 31: "Yixi, qi lou yi" 噫嘻、其陋矣.

Zongxi's 黃宗羲 (1610–1695) *Waiting for the Dawn* (*Mingyi daifang lu* 明夷待訪錄), "On Rulership" ("Yuan jun" 原君).[60] This traditional influence is also felt when Liang occasionally uses the word *zhuanzhi* as a verb, which was appropriate for the term's traditional usage—in which it describes what certain people *did*—but not so appropriate for its modern usage, in which it characterizes institutional arrangements as a whole.[61]

Still, as the title of his article testifies, Liang Qichao uses the term *zhuanzhi* in Montesquieu's sense to explain the most obvious characteristic of China's imperial history: since the Chinese emperor's power had always been undivided and unchecked, no law or legal body hindered powerful persons from wresting it from him when the appropriate time had come. As Liang states, "Those rulers who do not exercise despotic power [*zhuanzhi*] will, on the contrary, fall under somebody else's despotic rule" (君主非專制者，而反為被專制者矣).[62] In Liang's imagination, emperors lived in constant fear of being overturned and extinguished and could never enjoy their privileged status for long. The modern concept of *zhuanzhi* must have been quite well-known in China's literate circles already at that time as Liang does not deem it necessary to define the term's precise meaning. Its implications are clear, however, when Liang claims, for example, that in a constitutional monarchy, not only the power of the head of state is properly constrained but also the power of those entrusted with government affairs.[63] In short, Liang argues that China's imperial history was marked by the despotic nature of its government, as could be easily proven by the country's voluminous historiographical record. Therefore, he recommends the constitutional monarchies of Great Britain and Japan as models for a reform of the Chinese political system.

A different question is whether authors in pre-modern China did, in fact, conceive of a notion of "despotism," which may be compared to the concept popularized by Montesquieu and taken up by Liang Qichao and others. In his study of Chinese discussions concerning different forms of government before 1899, Deng Huaying 邓华莹 quotes several passages that at least indirectly express the notion of not only *immense* but also *institutionally unchecked* power.[64] However, is there any evidence of a notion of despotism before the middle of the nineteenth century? For example, there is no such concept in Huang Zongxi's *Waiting for the Dawn*—the most hailed pre-modern systematic critique of monarchical power in traditional China.[65] Much earlier, however, in the treatment

60 Huang Zongxi 2010, 6–10; for an English translation, compare de Bary 1993, 91–93.
61 See, for example, in the quote below in the next paragraph.
62 Liang Qichao 1902, 22.
63 Ibid.: 攝政之權，皆有一定，元首權尚立限制，況於攝者 [...].
64 Deng Huaying 2018, 108a (anonymous), 109b (by Kang Youwei).
65 De Bary 1957 implies otherwise, though the author does not express himself very clearly

of the short-lived Qin 秦 dynasty (221–207 BCE) by Sima Qian (c. 145–86 BCE), the notion of despotism is apparently hinted at when Chancellor Li Si 李斯 (d. 208 BCE) explains to the Second Emperor (r. 210–207 BCE) that the wise ruler "is the only one who enacts control in the whole empire without being controlled by anyone else" (獨制於天下而無所制也).[66] As Christian Schwermann has recently argued, this passage was probably invented by later Han authors to defame the Qin emperors' way of ruling and thereby to justify their dynasty's violent replacement.[67] Nevertheless, it shows that it was possible to express the concept of despotism in Classical Chinese. The current debate, however, centers on the modern meaning of the word *zhuanzhi*, which was introduced to China from the West, as shown above.

3 Hou Xudong and His Critics

As mentioned before, this debate first gained momentum in Taiwan when Gan Huaizhen published a short essay titled "Was the Imperial System Despotic?" (*Huangdi zhidu shifou wei zhuanzhi*? 皇帝制度是否為專制？) in 1996. At the outset and end of his essay, Gan stresses that he intends to treat the constitutional structure of the Chinese Empire as a purely scholarly topic.[68] This stance was possible, according to Gan, because the political system of Taiwan did not constitute a serious issue of debate any longer as the Taiwanese democracy had already consolidated by that time. Remarks concerning the Empire, therefore, did not need to be conceived as reflecting the author's views on the present constitution. Still, Gan felt it necessary to explicitly protect himself against the allegation that he was actually talking politics.

When we turn to Hou Xudong's paper, matters become more complicated. Like Gan, Hou does not consider the term *zhuanzhi* appropriate for classifying the Empire's constitution and calls for further historical research on the topic, emphasizing the need "to release the historical 'state' and hand it to the scholars again" (把历史上的"国家"重新开放给学者).[69] Considering the text as a whole, however, Hou's central conclusion is quite different; he finds that the word *zhuanzhi* is not only factually misleading but, more importantly, politically discredited by its Western origin, which he reconstructs in great detail. In other words, Hou does not treat *zhuanzhi* as a descriptive of history but

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on this matter. On page 197, he even notes that Huang Zongxi did *not* argue to impose institutional checks and balances on the monarch or dividing his power.

66 *Shiji* 87, 2554.

67 Schwermann 2019.

68 Gan Huaizhen 2003, 511, 524.

69 Hou Xudong 2008, 28.

as part of history itself—and because this part of history has not been to the benefit of China, this term's usage cannot be so either.[70]

Here, Hou Xudong parts with Gan Huaizhen, who believes that *zhuanzhi* can be more than a "value judgment" (*jiazhi panduan* 價值判斷).[71] Hou argues that no objective research can ever decide whether the political structure of the Empire was "despotic"[72]; rather, the term *zhuanzhi* itself, as an example of "suppressive speech" (*zhipeixing de huayu* 支配性的话语),[73] is historically and politically flawed, as are, according to Pan Wei, terms like "state" (*guojia*) and "society" (*shehui* 社会). Interpreted this way, while Hou's paper may initially appear to be a scholarly contribution abounding in quotes and footnotes, in the end, it reveals itself to be a political manifesto. As such, it needs to be considered as representative of a certain intellectual climate at the end of this millennium's first decade.

This stance, however, apparently did not represent the official view on the topic at that time, and it did not take long for Hou Xudong's text to attract fierce criticism in newspaper articles and scholarly publications. The longest reply, authored by Huang Minlan 黄敏兰 from the Chinese Academy of Social Sciences (*Zhongguo Shehui Kexueyuan* 中国社会科学院), appeared about one year later in the same journal.[74] Three years later, Huang published a long summary of the debate and its sub-branches, which was not at all in Hou's favor.[75] In her first piece, Huang decided not to tackle Hou's methodology right away. Somewhat tactfully, she observes that Hou's text shows a "rather strong political coloration and value preference" (*jiao qiangde zhengzhi secai he jiazhi quxiang* 较强的政治色彩和价值取向), which she—at least formally—approves of.[76] Instead, Huang deals with her opponent's claims with regard to scholarship, investing more space than Hou originally had to debunk his claims one by one. However, one objection runs throughout the article: Hou has not read his authors carefully enough. For example, Huang notes, Aristotle was not an "orientalist," nor did Edward Said (1935–2003), to whom Hou explicitly refers,[77] say anything about China. According to Huang, Montesquieu was not the first to consider China despotic, was not exclusively critical of the country's political system, and was not aiming his opinion on China at China itself but

70 Ibid., 22.
71 Gan Huaizhen 2003, 513, 524.
72 Hou Xudong 2008, 27.
73 Ibid., 9.
74 Huang Minlan 2009.
75 Huang Minlan 2012.
76 Huang Minlan 2009, 80.
77 Hou Xudong 2008, 9.

at the absolutist government in France at that time. In Huang's opinion, it is not true that all Europeans entertained biased and malicious views of China as some, like Gottfried Wilhelm Leibniz (1646–1716), wrote very favorably about the country. She argues that Xu Fuguan 徐復觀 (1903–1982) had not, in fact, questioned whether the Chinese Empire was despotic, as Hou insinuated, nor had a group of Japanese historians in a volume edited by Mizoguchi Yūzō 溝口雄三 (1932–2010) and Kojima Tsuyoshi 小島毅. To Huang, Liang Qichao had not disregarded historical facts and published mere propaganda but had studied Chinese history quite carefully, as had many Chinese historians over the last century, whose research likewise proved that the imperial state was in fact despotic. Huang claims that the notion that the imperial state was despotic was not imported from the West at the end of the nineteenth century but had already been formulated by Ming loyalists, like Huang Zongxi, centuries before, whose works were well known to the late Qing reformers.[78] Finally, Huang does not approve of the historical arguments that Qian Mu, in particular, presented to show that the Empire was not despotic. Rather, she reinforces the orthodox view, already propagated by Montesquieu, that "the legitimacy of the Chinese monarchy did not rest on the approval of the people or the church, but on brute force" (中国王权合法性的依据，不是人民同意或教会同意，而是暴力).[79]

Others swiftly offered comparable criticism, such as Wan Changhua 万昌华, who found fault with Hou Xudong's logic. According to Wan, even though Hou had explicitly committed himself to reconstructing only the history of a word, he still ventured to pass judgment on the word's applicability to the political constitution of ancient China.[80] Further, Wan insinuated that Hou had rejected the term *zhuanzhi* because its modern meaning, which was inspired by Western authors, deviated from its original usage.[81] Both arguments, however, missed Hou's basic concern of discrediting the term *zhuanzhi* not because it did not fit Chinese history or because its meaning had changed but because he considered it a Western loanword that was irretrievably linked to Western interests. Apparently, this "postcolonial" way of reasoning could not be easily introduced into Chinese academia. Wan also tried to show that the notion of the Chinese Empire being ruled by an all-powerful monarch had been present throughout the Empire's history and had been fervently criticized by Chinese scholars in the nineteenth century, even before Liang

78 As noted above, at least in case of Huang Zongxi, I would dispute Huang's claim.

79 Huang Minlan 2009, 106.

80 Wan Changhua 2009, 104a. Note that Wan handed in his paper as early as October 2008—that is, very shortly after Hou had published his essay, see ibid., 113b.

81 Ibid., 105a–b.

Qichao first applied the term *zhuanzhi* to it.[82]

In short, Hou Xudong had opened the door for a profound reevaluation of the political structure of the Chinese Empire, and Huang Minlan and others slammed it as hard as they could. To them, there was no historical reason to question the well-established assessment of the Empire as a "despotic" entity that firmly rested on its monarch's unrestrained authority. However, as indicated, there was clearly more to the debate than just disputed facts. In her last remarks on the subject, Huang referred to the contemporary discussion concerning despotism (*zhuanzhi*) and democracy (*minzhu* 民主) and wholeheartedly aligned herself with the latter.[83] Thereby, she acknowledged that the whole controversy was part of a wider conflict about the fundamental premises of Chinese politics in the twenty-first century, as mentioned in the introduction to this essay. Because this conflict had not been resolved, the basic question concerning the Empire's constitution could not be resolved either. It does not come as a surprise, therefore, that authors kept referring to Hou Xudong's paper and views even after the dust had settled. In their contributions, these scholars strived to come to terms with the imperial state beyond the narrow question of whether it was "despotic" or not and searched for new ways of assigning it a positive meaning from a contemporary perspective.

4 Further Responses: Reevaluating the Imperial Government

4.1 Yan Buke

We shall commence our discussion of several of these contributions with the historian Yan Buke, mentioned in the introduction of this paper. Yan was a logical candidate to respond to Hou Xudong's essay as he had been confronted by him for his views on the imperial state as early as 2003. In this year, Hou, who still worked at the Chinese Academy of Social Sciences at that time, together with another historian published a long review of one of Yan's major works. Therein, Hou and his colleague took issue with Yan calling the Chinese emperor's power "despotic."[84] There is reason to believe that this particular passage was actually by Hou since it resembles the argument he developed in much greater detail in his essay five years later.[85] Yan did not heed his colleague's criticism, however, although he surely noticed it. Right at the beginning of a popular account of

82 Ibid., 106b–111a.

83 Huang Minlan 2012, 118b–119b.

84 Xu Zhaochang and Hou Xudong 2003, 162–165.

85 The last paragraph of the review (ibid., 165), for example, is almost identical to the last paragraph of Hou's essay (Hou Xudong 2008, 28).

China's early imperial history, published in 2009, he defended the use of the term *zhuanzhi*, even quoting from a Party document and the words of one of China's former leaders, Deng Xiaoping 邓小平 (1904–1997).[86] Yan also deemed it necessary to address the question more elaborately in two further articles published in 2012 and 2017. He did not explicitly mention the debate sparked by Hou Xudong and only quoted Hou's essay in passing in the first article and did not mention it in the second one.[87] Nonetheless, both Yan's articles need to be considered as part of an ongoing debate concerning the imperial state. This is borne out, for example, when Yan hints at the fact that a certain liking for traditional politics may be inspired by recent cultural sentiments and political needs.[88] While he appears to be rather reserved concerning these trends and prefers to address the topic in a scholarly, theoretical manner, when we read his articles carefully and compare them, we find that the intellectual current sketched in the introduction of this article left certain traces.

On the surface, Yan clearly sides with Huang Minlan and Wan Changhua in rejecting any criticism of the term *zhuanzhi*. Rather, he claims that the notion of "despotism" refers to the objective historical reality that in certain governments, the ruler accumulates much more power than in others. *Zhuanzhi*, therefore, is a relational term that marks one necessary extreme of a spectrum.[89] This extreme is characterized by the fact that "the leader of the state has unlimited power and can decide as well as act on their own" (国家之元首有无险权力，可以独断独行).[90] This, according to Yan, holds true for the imperial state of pre-modern China as well. Therefore, he disagrees with Qian Mu's view, for example, that the chancellor or, according to others, the civil bureaucracy as a whole limited the power of the ruler.[91] He also speaks very highly of Montesquieu and Liang Qichao and argues that the latter witnessed imperial rule firsthand and should, therefore, be taken seriously on the matter.[92]

Most notable, however, is Yan's treatment of Hou Xudong's argument concerning the term *zhuanzhi*. As discussed above, Hou had objected to it by showing that its meaning was derived from the West. Although Yan does not directly dispute this, he doubts the existence of a direct equivalent of the Chinese term *zhuanzhi* in Western languages. According to him, the modern Chinese term, whose meaning developed over the course

86 Yan Buke 2009, 2–3.
87 Yan Buke 2012, 29: note 1, 36: note 2.
88 Ibid., 39a. Compare also in the introduction of this article.
89 Ibid., 29b–30a.
90 Ibid., 36a.
91 Ibid., 33b–34a; Yan Buke 2017, 46a–47b.
92 Yan Buke 2017, 43a–45a; Yan Buke 2012, 39a.

of the twentieth century, translates different Western concepts and combines various features: first, the unlimited power of the ruler; second, a relationship of domination between master (*jun* 君) and servant (*chen* 臣); and third, the ruler being the primary beneficiary of the whole system.[93] For Yan, these characteristics are bundled into a distinctively Chinese concept. Its application is value-neutral and serves to characterize political systems in the East and West.[94] The term *zhuanzhi*, Yan argues, was inspired by authors such as Montesquieu but has developed into a genuinely Chinese concept, whose use is not subject to the accusation of Orientalism, raised by Hou. Yan concedes that the word *zhuanzhi* has become affectively charged and politicized and deems it permissible to replace it with a more neutral term, such as *jiquan junzhu zhi* 集权君主制 (autocracy).[95] However, this is no more than another designation, which does not change the objective quality of the referent.

From this point of view, Yan takes a relatively "conservative" stance on the notion of despotism. This apparent orientation is further highlighted by an observation in his first article from 2012, according to which China's despotic tradition may help to historically explain the "tragedy of the 'Cultural Revolution'" ("*wenge*" *beiju* "文革" 悲剧) and the "many problems democratization still faces" (*minzhuhua yiran mianlinde chongchong kunnan* 民主化依然面临的重重困难).[96] Viewed from this perspective, the constitution of the Empire appears as a burdensome legacy that needs to be definitively overcome in the present.

Five years later, however, in Yan Buke's second article on the topic, the matter takes a different turn. Here, Yan ascribes a decidedly positive significance to the imperial state, which is tightly connected to its most striking element: a powerful legal bureaucracy.[97] This bureaucracy, according to Yan, rules by means of its own regulations, the so-called "bureaucratic law" (*guanliaozhi de fa* 官僚制的法) or "statist law" (*guojia zhuyi de fa* 国家主义的法). While the despot somehow vanishes from the constitutional picture, their place is taken by a strong, legally unchecked state apparatus, which imposes its norms on society. This framework enables Yan to stress a positive continuity between the pre-modern Empire and the People's Republic: both political entities are characterized by a strong state, which derives its legitimacy not from codified laws—that is, a written constitution—or its populace's consent, as Western contractualism holds, but simply

93 Yan Buke 2012, 33a, 35b.
94 Ibid., 36a–b; cf. Yan Buke 2017, 42a–b.
95 Yan Buke 2012, 39a–40a. Note that Yan himself proposes "autocracy" as translation of *jiquan junzhu zhi*, see ibid., 40a.
96 Ibid., 38b–39a.
97 Yan Buke 2017, 52a–53b. The following quotations are taken from this passage.

from its own power. To Yan, such a state was not a burden on the way to modernity but an important aid to its end; it allowed for a certain "differentiation of the society" (*shehui fenhua* 社会分化), and its principle of legal administration anticipated a trademark of modern society. Moreover, the economic development of countries like China in the twentieth century had proven a strong administration's adaptability to different modes of production. The "bureaucratic empire" (*guanliao diguo* 官僚帝国) and its "tradition of autocratic politics" (*jiquan zhengzhi chuantong* 集权政治传统), therefore, according to Yan Buke, constitute an important mode of rule, which, among other political traditions, will shape the future: "Exactly therein lies the meaning of our discussion of the form of government in imperial China" (这也就是我们讨论帝制中国政体的意义之所在).

When we compare both articles from 2012 and 2017, we find that although Yan Buke does not change his general opinion concerning the despotic nature of the imperial constitution of pre-modern China, his value judgment changes completely. In 2012, shortly before Xi Jinping 习近平 was inaugurated as General Secretary of the Chinese Communist Party and Chairman of the Central Military Commission, Yan believed that the imperial state was a serious hindrance to China's modern government. In 2017, however, after Xi had been in office for several years, and just one year before he secured temporally unlimited rule for himself in March 2018, Yan viewed it as this same government's origin, inspiration, and even future.

4.2 Lü Xiaobo

Yan Buke thus went far beyond the reassessment of the imperial constitution called for by Hou Xudong, without actually accepting his argument concerning the notion of despotism. Others followed Hou's critique of *zhuanzhi* and called for its substitution. In 2017, Lü Xiaobo 闾小波, a historian of modern Chinese politics at Nanjing University, published an article in the prestigious journal *Wen shi zhe* 文史哲, in which he argued that the government of imperial China should not be characterized as despotic but as a "government of care" (*baoyushi zhengti* 保育式政体).[98] Unlike Yan's work, this text clearly identifies itself as a contribution to the debate we are examining; not only does Lü cite the relevant articles by Hou Xudong, Huang Minlan, and others, but he also treats the history of the term "despotism" in China in considerable detail. At the beginning of his text, Lü notes the same "discursive hegemony" that Jiang Shigong, Pan Wei, and Hou Xudong had criticized: "(in the age of globalization) it has become common knowledge that (a polity)

98 Lü Xiaobo 2017.

is despotic [*zhuanzhi*] if it is not democratic [*minzhu*]" (非民主即专制也成为普遍的认知).[99] Lü, however, believes that it is necessary to avoid the categorical thinking advocated by Montesquieu, among others, and to measure China according to its own categories.[100] In this argument, it is not so much the real distribution of power that comes to the fore but rather the so-called "political culture" (*zhengzhi wenhua* 政治文化)—that is, certain norms and values that shape or at least should shape the political discourse and actions of the elites.[101] Yan Buke had explicitly opposed this shift of view away from the "hard" organization of the polity toward the "soft" institutions of the overall society, as advocated by Qian Mu and Gan Huaizhen.[102] Lü Xiaobo, by contrast, considers this shift a key to understanding the imperial constitution, arguing that Confucian rule was marked by the fact that the emperor and his officials cared for the Chinese population like parents for their children and secured its existence.[103] The government's legitimacy thus rested on what the German legal scholar Ernst Forsthoff (1902–1974) called *Daseinsvorsorge*, "provision for existence."[104] Accordingly, Yan Buke and Lü Xiaobo share the assumption that the legitimacy of the pre-modern Chinese state was not based on the explicit consent of the ruled but on a service they enjoyed. Like Yan, Lü believed that this type of government could yield inspiration for modern Chinese politics:

> 20 世纪以来，中国的制度安排不断刷新，但根深蒂固的保育主义的政治思维如何与民主政体兼容，民族性与现代性如何调适，进而创制出符合国情、彰显仁政、杜绝虐政、高效而稳定的体制与机制，不仅考验着政治领袖的智慧，更是从事中国政治研究的学人必须面对的大问题。
>
> Since the twentieth century, China's institutional arrangement has constantly renewed itself. However, the solution to the question of how the deep-rooted political concept of care [*baoyu zhuyi de zhengzhi siwei*] can be compatible with democracy, how nationality fits modernity, and how we can create a political system and (political) mechanisms that suit the state of the country, highlight benevolent measures of government [*renzheng*], put an end to oppressive rule, and are efficient and stable puts not only the wisdom of (our) political leaders to the test but is a huge problem, which scholars who study Chinese politics need to tackle.[105]

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99 Ibid., 7. Compare also on page 10, where Lü confronts the well-known Chinese historian of political thought Xiao Gongquan 萧公权 (1897–1981) on this way of thinking.

100 Ibid., 11.

101 Ibid. et passim.

102 Yan Buke 2012, 32b.

103 Lü Xiaobo 2017, 11–17.

104 See Kersten 2005; Meinel 2012, 153–222.

105 Lü Xiaobo 2017, 18.

To Lü, the imperial government was not a shameful past, in other words, but a polity that merits careful study to allow it to live up to its legacy in the future. How this legacy might be transformed, however, was a question subject not only to political argument but also to academic scrutiny.

4.3 Bai Tongdong

Others, lacking Yan Buke's intellectual sophistication and Lü Xiaobo's cautious reserve, reacted to Hou's call more explicitly. In 2016, for example, Bai Tongdong 白彤东, a well-known scholar of political philosophy at Fudan 复旦 University, published an article with the telling title "How Did China Become a Despotic Country?" (*Zhongguo shi ruhe chengwei zhuanzhi guojia de?* 中国是如何成为专制国家的?) in the same journal as Lü.[106] Therein, he constantly refers to the previous debate and sides with Qian Mu and Hou Xudong contra Huang Minlan and others. According to Bai, Montesquieu, whom he identifies as the main culprit, had not based his view concerning China on objective research but on theoretical constraints.[107] Therefore, he did not consider certain institutional checks and balances that may have limited the Chinese emperor's power, such as the great local families that gained influence at court from the Eastern Han dynasty (Dong Han 東漢, 25–220) onward, the Confucian bureaucracy, the monarch's interest in a good posthumous name, or the Confucian education of the crown prince—that is, the future ruler.[108] According to Bai, these elements may have moderated the imperial state and prevented despotic abuses of power. From this perspective, such abuses in China's recent history do not appear as an aftereffect of the imperial constitution but as a consequence of its abolition.

At this point, Bai inverts one of Yan Buke's arguments.[109] In his first essay, Yan argued that the Cultural Revolution should be interpreted as a legacy of China's imperial despotism. For Bai, however, the opposite holds true: in the course of the May Fourth Movement (*Wusi Yundong* 五四運動), which had propagated the abolition of all traditional Confucian institutions, the aforementioned restrictions on the ruler's power were dismantled, and Chinese society disintegrated into nothing more than a sum of isolated individuals who were not able to oppose the terror of the late Mao era. From this perspective, the May Fourth Movement, with its ambition to entirely reform the "despotic" imperial state, appears as a serious aberration of China's modern history. Consequently,

106 Bai Tongdong 2016.
107 Ibid., 38.
108 Ibid., 42–44.
109 Ibid., 45–46.

the author ends his text with the suggestion to "bid farewell to the New Culture Movement as well as to the May Fourth Movement" (*yu Xin Wenhua yu Wusi Yundong gaobie* 与新文化与五四运动告别).[110]

Overall, Bai Tongdong's essay demonstrates how easily Hou Xudong's observations could be transformed into a strong political agenda, which Bai advocates in his English publications as well.[111] After all, Bai is not primarily concerned with the history of the term *zhuanzhi* or Chinese history but with re-popularizing certain pre-modern institutions. A supposedly Western understanding of the state, which rests on the individual and their free will, can clearly be identified as his natural target. Even more than in the case of Yan Buke and Lü Xiaobo then, his text reveals at least one possible intention behind Hou Xudong's intervention: not so much to encourage a scholarly reassessment of the imperial Chinese state but to justify a political reinterpretation and justification of the modern Chinese state in the light of its alleged past.

5 Conclusion

Reflecting upon our modern notion of statehood, modern scholars often conclude that the modern state freed its citizens from traditional norms and institutions and allowed them to live their lives according to their individual wants and needs. As the state rose above society, in other words, it gradually released its subjects from this same society's traditional bonds.[112] On the one hand, this break with tradition has given people an immense gain in freedom; on the other hand, it has had serious consequences for the relationship between past and present. As the past, together with its traditions and institutions, lost its binding force, the past and present "fell apart." People's release from their former bonds was, at the same time, their "emancipation from [their] historical origin" (*Emanzipation aus der geschichtlichen Herkunft*), as the German philosopher Joachim Ritter (1903–1974) put it in a famous interpretation of the political philosophy of Hegel (1770–1831).[113] It is this "historical discontinuity of origin and future" (*geschichtlich[e] Diskontinuität von Herkunft und Zukunft*)[114] that Ritter recognizes as the most salient feature of our epoch: "The ahistorical nature of society is its historical essence" (*Die*

110 Ibid., 46.
111 See, most recently, Bai Tongdong 2020.
112 This process has been magisterially treated in a highly influential essay by Ernst-Wolfgang Böckenförde (1930–2019), see Böckenförde 2019.
113 Ritter 2015, 15.
114 Ibid., 44 (originally italicized).

geschichtslose Natur der Gesellschaft ist ihr geschichtliches Wesen).[115]

Other societies have undergone comparable ruptures—many of them not less drastic. A well-known example is late Qing and early Republican China. In this period, the past not only lost its spell but became dubious, while China's new intellectual elites in the big cities and abroad propagated their new views on the modern "state" (*guojia*). In a recent essay, Xu Jilin, drawing on Max Weber (1864–1920) and Charles Taylor, described this process as a withdrawal of the Chinese population from the all-encompassing "community" (*gongtongti* 共同体) of dynastic rule.[116] Thereby, the Chinese escaped "despotic" (*zhuanzhi*) conditions and became a group of single individuals "without, among other things, history" (*ye mei you lishi* 也没有历史)—that is, without a past that was meaningful to them.[117] Xu described the collapse of the Chinese Empire, therefore, along the same lines in which Hegel, in Ritter's interpretation, had interpreted the French Revolution.

As we have discussed above, the notion of "despotic" rule, which was introduced in China right at that time, constitutes an important element of the break between past and present. It not only classifies the Empire's constitution in terms of political science but marks the past as something illegitimate and bad—something from which the Chinese people should fully depart and not invest with any normative meaning. It made sure, in other words, that past and present are neatly separated and can never be fully linked again. This view, according to Hou Xudong, has become well established in the twentieth century and only been sporadically questioned by Republican and Taiwanese scholars, such as Qian Mu and Gan Huaizhen. There have been dissenting voices in mainland China as well, especially more recently; self-avowed Confucian scholars, such as Jiang Qing 蒋庆 and Kang Xiaoguang 康晓光, have argued that the Chinese state is a product of China's long history, which lives on in the present.[118] However, such views, well known as they may be, rest on highly philosophical premises and have apparently never entered mainstream academia.

With Hou Xudong's influential paper from 2008, matters seem to have changed somewhat. Against the backdrop of an increasingly self-assured public, Hou identified one of the most important divides between China's imperial past and present—the notion of "despotic" rule as coined by Montesquieu—and vigorously attacked it because of its ori-

115 Ibid., 63 (originally italicized).
116 Xu Jilin 2015, 49b.
117 Ibid., 52a.
118 See Jiang Qing 2013. For Kang Xiaoguang's views, see, for example, Kang Xiaoguang 2012. Cf. Gaenssbauer 2011.

gin. Thereby, he, at least implicitly, challenged his colleagues to pose anew the question of the relationship between the imperial past and the modern state and to reconnect both. Although Hou faced a wave of criticism at first, the tide turned a few years after Xi Jinping had been invested with the People's Republic's highest offices. Several well-known professors responded to Hou's call and published articles in respected academic journals, in which they identified elements of the imperial constitution that may have a guiding function in the present.

Not all scholars seem to have done so purely voluntarily, as demonstrated in detail in the case of Yan Buke's two papers. Others, like Lü Xiaobo and Bai Tongdong, opted for full endorsement. One hundred years earlier, Chinese intellectuals like Liang Qichao had introduced the modern concept of despotism to reform monarchical government. Professors like Lü and Bai, by contrast, apparently try to dispose of the same concept to adapt to political developments of their time. In doing so, they resemble prominent German scholars in the first half of the twentieth century, like Otto Brunner (1898–1982), who utilized the study of their own country's early "state" for political purposes as well.[119] Still, it is precisely these texts that allow us not only to sense the shift in emphasis that we have traced but to demonstrate it quite concretely. Its final purpose is apparently not only to "return the imperial 'state' to the scholars," as Hou Xudong demanded, but also—and probably more importantly—to reestablish its value to the Chinese people. The tasks of sinology, which is called upon to accompany these intellectual developments critically and with the necessary historical and philological distance, are not likely to diminish in the coming years.

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119 Vast scholarly literature exists on this subject. See, for example, Kluge 2014, especially 67–73, with further references. On Brunner in particular, compare the critical evaluation in Algazi 1997.

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