

A Human Right to Internet Access: A Confucian Perspective

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Received: November 5, 2014

Accepted: November 13, 2014

Online Published: October 26, 2016

doi:10.5539/ach.v9n1p6

URL: <http://dx.doi.org/10.5539/ach.v9n1p6>

Abstract

In this paper, I discussed the possibility to argue for a human right to internet access in Confucian society. I argued firstly that Confucianism could properly accommodate the concept of human rights, even though it does not have an explicit term for it. Secondly, Confucian concept of *min xin* (the will of people), as a similar concept of democracy with differences, is used in Confucianism as a normative concept to lay the foundation of the state and legitimize the governance. Last but not least, I argued that the roles that *min xin* are supposed to play in reality are never fully carried out due to the specific hierarchical information structure of Confucian society. I proposed that with internet, the concept of *min xin* would have to be able to play its roles properly. As such, the arguments that disregard internet access by referring to the protection of the Confucian values might not stand.

Keywords: internet, human rights, Confucianism, *min xin*

1. Introduction

Just very recently, the discussion on whether if we have a human right to internet access becomes popular. In the legal practice, for instance, French court famously judges that it would be a violation of human right if the government cuts off one's internet connection in certain circumstances even for the protection of the property right (Note 1). In political practice, UN, in one of its report, declares that internet access is a human rights, asking state government not to censor the online information and endanger the right to freedom of speech (Note 2). In the progress towards to a human right to the internet access, philosophers move a bit slowly. I have elsewhere discussed the possibilities to justify a human right to the internet access by referring to Beitz's political theory of human right (Wang, 2013). However, to commit to a political theory means almost immediately a disavow of the culture, downplaying the relevance of it in the process of justifying a human right. To be political means, in most situations, to play neutral among various culture(s) and tradition(s). Therefore, this justification stays in the thinnest sense that touches no part of the everyday living experience that is crucial for human existence.

Recently, Bockover (2003) argues that internet use is radically incompatible to the Confucian culture, as a very liberal version of freedom is embedded in the internet. This particular value is not only alien but hostile to the Confucian culture which focuses very much on sociality of person and hierarchy of the authority. It is not at all new to hear that people condemn internet use by referring to the protection of cultural integrity. Against this background, to investigate if Confucianism would accept a human right to internet access becomes urgent, especially in a country where current president vow to revigorate the Confucian tradition (Note 3).

In this paper, I will firstly clarify the concept of right/human right and study if Confucianism could accommodate this concept. Then, I will introduce a concept that is similar to the idea of democracy, that is *min xin* in Confucian tradition. Based on this, I will then argue that since we have a human right to democracy, we should have a derived human right to internet access due to its function for actualizing *min xin*.

2. Is There a Concept of Right in Confucianism?

Historically, it is widely accepted that no word equivalent to the Western 'right' was found in Confucianism (Chan, 1997; Ching & de Bary, 1998; Donnelly, 2007). The first translation of 'right' into Chinese, '*quan li*', was made by the American missionary William Alexander Parsons Martin in his translation of the *Law of Nations* in the 19th century. Chinese character '*quan*', as a verb, literally means weighting between different options, while '*li*' means interests (Ming, 2002). Thus, this translation fails to cover the meaning of rights in the western tradition. However, that the word is lacking an explicit place in traditional ethical vocabulary does not in itself imply the complete absence of the concept.

Hohfeld (1913) sorts the use of rights into four categories. There are rights as power, privilege, claim, and immunity. The question is whether in Confucianism we also find the use of one of these conceptions. In Confucianism, we certainly find an understanding of right as power. The Chinese character '*quan*' as a noun, literally means 'authority', which is seen as institutionalized power. The king, in many dynasties, has the *quan* to have a say in selection and punishment of high officials. In another words, he is capable of changing the Hohfeld instance in which he could hold others in obligation to follow his commands. We also find an idea of right as privilege. For instance, although it is allowed in the Confucian tradition that one could have more than one female companions, one does not have an obligation to do so (Note 4). There is also the idea of right as immunity. For instance, in Confucianism, the king does not have legitimate authority to command his officials to persecute innocent people. Mencius made it clear that it is wrong to win the whole world by killing one innocent (Note 5). In this case, officials have an immunity to abstain from following the command to kill. In extreme situations, they could even rebel against the king. It is also comparably clear that in Confucian society there is a sense of right as claim. The children of the family certainly have a claim right to education, and this claim would directly hold the parents, particularly the father, to the obligation to facilitate their studies. This idea is succinctly expressed in the classical textbook '*San Zi Jing*' (Three-Character Scripture): it is the father's fault if his children are not educated (Qitong, 2010). The wife is also widely recognized as having a claim right to her husband in certain situations. For instance, it is stated in the '*Book of Rites*' (Pinzhen, 1983), that a wife should not be divorced from if her parents died after her marriage, since she would have nowhere to go. In this case, the wife is seen as having claim right to not to be divorced from. It is thus clear that while 'right' as a term is missing in Chinese classics, there is a conceptual framework in which the concept did have a place. Therefore, Confucian ethics is at least *prima facie* not incompatible with the idea of rights. The question however is, whether Confucianism can accommodate a concept of *human rights*: *whether it is compatible with an understanding of claim rights that are universal – i.e.: rights which everyone is entitled to claim simply because they are human beings.*

3. Can Confucianism Accommodate a Concept of Human Rights?

Regardless all specific role-based obligations in Confucianism, there is one fundamental duty that we all have: the duty to become a gentleman. This duty is the most fundamental one which is conceptually related to the Confucian understanding of humanity. If one fails to act upon this duty, so Mencius argued, he will degrade into animal (Note 6). It is the humanness that is granted by the heaven which obliges us to lead a moral life, and to deny this moral life would entail the loss of one's humanity. Human beings are thus persons because they have moral potential, and because they make an effort to realize their moral potential. However, this does not imply that people who do not make effort to become a gentleman are not morally relevant, as this would go to another extreme interpretation which I do not have space to address here.

This basic duty of cultivating oneself in order to become a gentleman requires much effort. It requires a study in propriety, literature, music, archery, charioting and mathematics. The goal of studying these activities was not only about mastering specific skills; Confucius rather saw these activities as the materialization of Confucian virtues, and thus to practice them would help a person to realize and internalize Confucian ethics. For instance, in the archery practice, the target represents the ideal model of the social role of the archer. If a father practices archery, he should bear in mind the target represents a model of good father. The same holds for the king, a chancellor, etc. A perfect shot represents symbolically that one lives up to his social roles as expected. This cultivation demands two things: firstly the recognition of the material needs for self cultivation and secondly the help from the governors, the king in particular.

Yu (2000) argues that human rights in Confucianism are clarified and specified in terms of (the ruler's) duty, and hence human rights terminology is redundant in ancient China. He quotes Mencius to explain how the duties of the emperor are clarified and specified, and notes that once these have been clearly conceptualized, the rights of people can be derived. Mencius argues explicitly that the King has various duties towards his people, including first, the king has the duty to respect his people; second, he is obliged to provide them with basic security; third, he is obliged to enhance their wealth; fourth, he has the duty to provide them with basic education. These four basic duties are, when we exchange the ruler for the people as addressee, correlative to rights on behalf of the latter.

It seems quite clear that Confucian ethics prescribes a group of *specific actions* for self-cultivation so as to fulfill the basic moral obligation of becoming a gentleman. As such, people are thought to have a claim right to minimal materials and education, since these things are indispensable for self-cultivation. It is impossible to develop one's moral potential without the basic conditions of food, shelter, and decent education. These goods are, as I have showed, by Mencius derived from the King's duties. If one denies these basic rights, he would necessarily give up his duty to become a gentleman, and by doing so, he would logically contradict his humanity.

Therefore, I would say that there are some claim rights that could be derived from the basic duty to become a gentleman in Confucianism. These rights are understood as universal in the sense that they are thought to apply equally to all in society, as they are derived from the basic duty of developing one's moral potential which applies to all persons. People have these rights simply because they ought to be human; as humanity, on the Confucian viewpoint, is understood in terms of acting on basis of this duty. Having addressed this question, I shall now turn to discuss whether if Confucianism could accommodate a human right to internet access. To study this, I shall relate internet use to one of the most important normative concepts in Confucianism, that is '*min xin*', a similar concept to democracy. By specifying how internet use contributes to the actualization of such a concept, I will elaborate how internet access is potentially significant for Confucian state.

4. The Normative Concept of *Min Xin*

It is argued that in Confucianism, there is no concept of democracy, although the idea of *min xi*, which literally mean the will of people, covers some features of democracy (Murthy, 2000; Xu, 2006). The conception of *min xin* represents the legitimate claims or basic rights of the people. This idea was firstly introduced for advising the ruler of Zhou (Note 7). The concept bears at least two kinds of normative weight: first of all, it is a representation of the will of heaven. The will of *tian* needs to be articulated in order to function as an ethical principle. In classic Confucianism, there are two ways to articulate the will of *tian*. First: the idea of *tian ren he yi* (heaven and people are as one), which was elaborated by Dong Zhongshu, denotes that the will of heaven could be revealed through natural phenomena (Zhang, 1985). More specifically, if an emperor rules the state in the way that abides by the will of heaven, the weather will appear to be congenial for farming; if he violates its will, natural disasters, such as earthquakes, might occur as a warning. Once natural disasters occur, the emperor is expected to seriously reflect upon his actions, hold a fasting, and pay tribute to the heavens. This tradition, no matter how superstitious it may be, worked as a strong restraint on the authority of the emperor. Second, it seems that Confucianism affirmed an identity of the will of heaven with the will of the people. It was written that: 'Heaven sees as my people see; Heaven hears as my people hear'. And elsewhere: 'Heaven loves the people, and the sovereign should revere this mind of heaven' (Note 8). To this extent, the people's will could be seen as the articulation of the *heavenly will* in the human world. The will of the people is thus understood as the revelation of the message of *heaven*; the will of *heaven* and that of people bear the same normative weight. Besides affirming the moral status of people's will, Confucianism also held that *the will of heaven articulates* the needs and desires of people (Note 9).

The legitimacy of the confucian state is build upon the vote of *min xin*. It is generally argued by scholars that the ideal Confucian state is one that conceives the people as its foundation (Kang-zhuang, 2000). In '*The Songs of The Five Sons*', it is suggested clearly that the people are the foundation of state, and that the people could strengthen the state (Note 10). On this view, it is shown that the power of the state is derived from the people, and people are the agents that can positively support the state. On the other hand, it was widely acknowledged that the people are capable of overturning the state if they so want. The famous metaphor that has been widely quoted, is that the relation between the state and people is similar to the relation between the water and the boat; the water has the power to both raise and subvert the boat (Note 11). Thus, the power of people is seen as a double-edged sword that should be carefully yielded. The important question is obviously whether these statements regarding the relation between the people and the ruler are descriptive or normative; I shall argue that they are both.

The King, as representative of the sovereignty of the state, is seen as the person with the most respectable social and moral status. He demands ultimate loyalty from both his officials and people, and in turn, he provides them security, welfare, and education. The moral authority of the King does not derive from his personal attributes; rather it is from his social status as a king. Thus, loyalty should only be paid to the one that lives up to the obligations specific to a king. Confucian ethics provides a theoretical foundation for this symmetry. Indeed: Confucianism prescribes a normative teleological order between the people and the King. It is argued by Xunzi that the heaven breeds people not for the king, but supports the king for the people. Mencius makes an even clearer attempt to articulate this point: he argues that people are the most important; the state comes second, and the King is the least important. Indeed: more specifically, he argues that the legitimacy of the kinship is based on the possession of the virtue of *ren* (Note 12). Taking these arguments into account, it is plausible to state that in Confucianism the legitimacy of the state and kinship is grounded in the will of the people. People are capable of overturning the state, and they are legitimate in doing so if this is necessary.

Beside seeing *min xin* as the normative basis of the state and rulership, it in Confucian ethics also determines the king's political strategy of ruling the state. When King Xuan of Qi confessed to Mencius that he was obsessed with beautiful women, Mencius did not criticize his needs but suggested to the King that if he likes women, he should also affirm this as a general need for his people. To be more precise, Mencius proposes he should make sure there are no single men and left over women in his state. Elsewhere, he argues that the king should like what his people

like and hate what his people hate (Note 13). On this reading, the king is seen as the representative of the people. In order to possess legitimate authority, the king ought to pay heed to what his people say, and act on basis of a principle of reciprocity: on basis of the idea that the people need what he himself needs.

Having reconstructed the concept of *min xin* and its normative roles in Confucian society, we can see now that idea and role of this concept overlaps with that of democracy on the point of popular sovereignty: it understands society as normatively structured on basis of the will of the people. However, the concepts of democracy and *min xin* differ with respect to the point of self-determination. Most of democratic models affirm the idea that people should (this also in most times implies they can) rule themselves by participating in democratic politics. Nevertheless, in the Confucian ideal state, it is never assumed that average people are capable of governing themselves, rather: it is affirmed that they should rely on elites (true gentleman who are moral exemplars) for governance.

However, it is too fast to say that Confucianism wholly lacks the concept of democracy, as it is not in itself unambiguous what the concept of democracy implies. Particularly, not in all models of democracy the idea of self-governance is affirmed. For instance, the model of contestatory democracy which focuses exclusively on whether people could be enabled to supervise the officials rather than how do they directly govern themselves (Hoven, 2005). Confucianism's idea of *min xin* might well fit into this model of democracy. What still differs here is that the 'one person one vote principle' is affirmed in contestatory democracy, while the idea of *min xin* does not endorse this. Yet, again not all models of democracy affirm such a principle. In Mill's well known model of representative democracy, it is argued that well educated people might be allowed to have more than one ticket (Mill, 2010). Thus the question whether Confucianism accommodates an idea of democracy becomes complicated here because the notion of democracy itself appears underdetermined.

But let us for purposes of clarity stick to the model of modern liberal constitutional democracy. This model of democracy is characterized by the features of constitutionalized universal equal suffrage, majority rule, and popular sovereignty. It is true that Confucianism, as a theory that was developed around two thousands years ago, does not endorse something like modern liberal democracy. However, I would argue that the idea of *min xin* shows fundamental overlaps with the general model of democracy consists of three important features: respectively constitutionality, popular sovereignty, and majority rule. The idea of *min xin* as I have attempted to show, certainly overlaps on the point of popular sovereignty: the will of the people is central. It is also clear that the idea of *min xin* embraces the idea of constitutionality, since Confucianism would necessarily claim equal rights to basic freedom and wellbeing, which are required for the cultivation of one's basic moral potential, namely a man that is to be a gentleman. In addition, as *min xin* is the concept that needs to be represented by officials and king, and should be consulted, the idea of *min xin* could also be interpreted as supporting the idea of majority rule. I shall take the human right to democracy for granted here for further argument.

5. Internet Use and Actualization of Min Xin

I will now furthermore investigate the possibility to justify human right to internet access in confucianism by articulating its instrumental value to the practice of *min xin*. In doing so, I shall to a large extent avoid problems of using implicit western concepts in understanding the Confucian conception of the good life; and therefore makes my justification stronger in facing Confucian critics. One should note that I am not defending that modern China is necessarily the Confucian state as it used to be; I rather aim to say that Confucianism idea, especially as a living form of culture, still has great impacts on modern China, especially since Confucianism is increasingly studied in recent years (Note 14). My goal here is to argue that it is not sound to justify a policy of online censorship, or even threaten to make the internet inaccessible, by referring to the protection of Confucian values.

As what I have argued above, the Confucian ethical framework pays great attention to *min xin* by assuming three salient functions. However, there is a big gap between theory and practice. In practice, Confucian China is surely a society which pays much respect to the government officials, while the social status of the average people is extremely low. Because of the emphasis of familial values, the Confucian state has also long been criticized for the tradition of nepotism. The power of the emperor was so strong that he could transgress the law if he finds it necessary (Note 15). Unlike in theory, where the relationship between the emperor and his people is essentially symmetrical, in practice the emperor and his officials still are seen as the pseudo-parents, while average people, in most situations, are not treated as their pseudo-children. The problem is that Confucianism, as a school, fails to develop a theory of political science that could really secure the practice of its philosophical ideas; it almost obsessively focuses on the cultivation of personal virtue, while at least to some extent neglecting to develop an account of the political institutions that would accommodate the development of virtue.

Nevertheless, Jiang Qin(2003), who is seen as an orthodox neo-Confucian, argues that it is mistaken to hold that Confucianism is just about school of *xin*(A influential school that focuses on investigating the methods of practicing self-reflection and meditation), rather, Confucian theory, from a historical point of view, is undoubtedly a politically orientated doctrine. The point is, although it is true that pre-Qin Confucianism provided a political theory, its focus was still on addressing moral, rather than institutional design. Pre-Qin Confucianism has nothing to do with studying the divide of power, the theory of parties, and so forth. It was only in the Ming dynasty that Huang Zongxi discussed these issues (Note 16).

One can imagine how the idea of *min xin* could be respected in a society where there exists no recognized party competition, and no rule of law. The bureaucratic system is crowded with well-educated elites and they control knowledge, wealth, and also media. It is hard to believe that only moral restraints of one's consciousness would guarantee the respect that is due to them. Theoretically, *min xin* is supposed to play an important role in restraining the power of the emperors and his officials; however, the institutional design of the Confucian society does not successfully accommodate *min xin* in practice. The internet would have helped to cope with this problem.

Traditionally, there are in general three channels through which the will of the people would affect state policies: (i) Institutionalized channels: The satisfaction of people is included in the official procedure for evaluating governmental officials, also *min xin* could be noticed by the court system, as people could appeal to it. Moreover, what the people judged and desired could be accumulated by imperial advisors and directly expressed in meeting with the emperors (Note 17). (ii) Informal channels: *min xin* is expressed in widely known folk songs. Some emperors dispatch specific officials to collect these folk songs, in order to understand the issues that are discussed among the people (Note 18). The problem of these information channels is that there are not very efficient ways for *min xin* to actually function as the foundation of the state and its policies, due to the great size of the state and its vast population. More importantly, since official information channels are exclusively vertical, there is no way to prevent information from being easily distorted in the passing. Additionally, as intermediate agents have almost exclusive control over the distribution of the information, this paves the way for various kinds of corruption. Against this background, the intention to collect folk songs strongly indicates that there is demand for direct communication between average people and highest level of officials.

Min xin could also be expressed by *qing yi*. '*qing yi*' literally means transparent discussion. The tradition could be traced back to the end of the Han dynasty. After the emperor of Qin unifying China, in Han dynasty, the Confucian school is respected as the only legitimate one and becomes state ideology. Because of this, many Confucian schools were established. The scholars and low rank officials who are not in the center of power, are therefore able to discuss politics. *Qing yi* plays different kinds of roles in Chinese politics, one of the most important is to inform the emperor that there existed a group of dissidents. In many cases, the emperor would take *qing yi* into consideration or change his policies and decisions when necessary. *Qing yi*, different from the folk songs mainly developed by average people, is much more informative and deliberation oriented (Note 19).

6. A Human Right to Internet Access`

As mentioned, Confucianism, as a political theory, could be seen as an elitist's doctrine, in the sense that roughly speaking no ancient Confucian scholars and/or politicians hold that average people should be entitled to rule themselves via direct participation in politics. Nevertheless, *min xin* is a very important normative concept that needs to be taken into serious consideration. In this framework, *min xin* should be expression orientated rather than demand or action orientated. Confucian society in general legitimates the expression of one's hardship and his comments on the corrupted governors, while in most cases it does not legitimate any direct attempt to act in order to make a political change (Note 20).

In this context, the internet could provide a space in which people can express their feeling and comments on governors. This specific use of the internet could possibly be related to the role played by the folk song in Chinese politics, and thus could be properly legitimized. In fact, this phenomenon has been consistently observed in current political practices. Chinese cyberspace is comparably open for people to express their emotional feeling and expose the corruption of the governors, yet it is very allergic to any attempts to organize a protest or even to collect signatures for petitions (Note 21). Moreover, the wide adoption of the internet could also facilitate the interaction between elites, for instance the imperial advisors, and average citizens, and this will eventually make them more accurately and efficiently to represent will of people and correct behaviors of the emperor.

In addition, internet use could facilitate *qing yi* dramatically as well. As the development of modern society, schools are not anymore the explicit public sphere for China anymore, rather, schools are specific institution for independent research and education. However, one should not neglect the fact that the university staff and students often play the crucial role in Chinese politics, especially in well-organized street protest. When old China has been

managing to transform itself to a modern state, the mushrooming new middle class, to a large part, is formulated in universities, and it is these people who are mostly in touch with western thoughts. In today's China, however, universities are strictly controlled by the government. The study of the Marxism, Maoism and Deng Xiaoping theory are strongly supported by the government, and research results are used for constructing the core ideology for the party. Furthermore, the education of these theories is in general obligatory in most of the universities with few exemptions (Liang, 2013). More absurdly, all the recognized university presidents in China have their official rank; most of the important university presidents have even the ministry equivalent rank. In this way, universities are tightly controlled than ever before.

Along with the death of universities as active political participator, one should notice that the traditional agents who are main subjects of *qin yi* have changed along the history. In 1980s, China was crowded with public intellectuals. These people appear to be the same knowledgeable as university professors but they are much more focused on discussing specific cutting-edge political topics and directly address social issues. Nevertheless, as Xu (2003) points out, public intellectuals are gone in today, as most of them have already been absorbed into either university or bureaucratic system. However, traditional public intellectuals might be transforming themselves as opinion leaders in the cyberspace by using micro blogs. Particularly, it was shown by the research made by the Media department of Ren Min University that half of the online catchy incidences in China involve the devote engagement of opinion leaders. More surprisingly, based on the statistics about the 30 high-profile incidences in 2011-2012, only 7584 tweets were reposted for 500 times, produced by only 2158 accounts (Ruisheng, 2013). This phenomenon presents opinion leaders' capacity to prompt political participation.

7. Conclusion

As I have argued, in Confucianism, despite the absence of human rights as a term, it does implicitly presuppose this idea. The Confucian ethics is characterized by its humanness(ren). By this humanness, everyone is subjected to a basic duty to cultivate himself so as to become a gentleman. Derived from this basic duty, a confucian must claim they have basic rights to freedom, wellbeing, he otherwise is not able to fulfill this duty at all. The concept of *min xin*, as a similar/alternative concept to democracy, denotes that the will of people should play significant roles in confucian politics. The use of internet would have to enable the concept of *min xin* to successfully carry out these expected roles and therefore legitimize the governance, had it deployed in ancient time. As such, we have a good reason to see internet access as a candidate human right in confucian society. My study here would suggest two things. Negatively understood, it disapproves the arguments that say Confucianism is not compatible to internet use. Positively understood, it supports a view that a political regime that is built upon Confucianism should even demand internet access. However, my argument might be subjected to further critics based on different interpretations of confucianism.

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Notes

Note 1. London Times. 2009. Top French Court Declares Internet Access 'Basic Human Right'. Retrieved October 1st, 2014, from <http://www.foxnews.com/story/2009/06/12/top-french-court-declares-internet-access-basic-human-right>

Note 2. Frank La Rue. 2011. Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. Retrieved September 11, 2014, from http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.27_en.pdf

Note 3. Dang Jian. 2014. Xi Jinping Discusses the Importance of Traditional Culture, <http://theory.people.com.cn/n/2014/0303/c40531-24507951.html>.(accessed Oct 1st, 2014)

Note 4. One does have the obligation to marry only one wife. Qi (wife) literally mean equal. The wife has the same moral status as her husband. However in case his wife is not fertile, one does has the privilege to have some other 'Qie'(accompanies)

Note 5. Mencius, Gongsun Chou I. None of them, in order to obtain the throne, would have committed one act of unrighteousness, or put to death one innocent person... (J. Legge, 1990, p. 194).

Note 6. Ibid, Li Lau Part II, Chapter. XIX. Mencius said: 'that whereby man differs from the lower animals is but small. The mass of people cast it away, while superior men preserve it. P325

Note 7. When Zhou replaced Shang dynasty. Scholars of Zhou conclude that one of the reasons that caused the failure of Shang is the King Zhou (the king of Shang) saw that he possesses the will of the heaven.

The Books of Zhou, Book I. The Great Declaration: "The king Zhou of Shang has behaved with cruel tyranny to his reprove and helper. He says his is the decree of heaven..."(James Legge, 1992, p. 291). Yet, this idea was radically changed in Zhou where it is argued that the heaven does not lean to anything but 'de' (virtue). Thus the king is expected to be virtuous in order to be consistent to will of the heaven so that he could be able to run the country.

" Great Heaven has no affections; it helps only the virtuous. The people's hearts (will) are not constant; they cherish only the kind. Acts of goodness are different, but they contribute in common to government. Acts of evil are different, but they contribute in common to disorder. Do you be cautious!" 'The Books of Zhou'. Book XVII. P490

Note 8. 'The Books of Zhou'. Book I. The Great Declaration. Part II. P290-292.

Note 9. 'THE SHOO KING'. Part V. The Books of Zhou, Book I, The Great Declaration.

"Heaven compassionates the people. What the people desire, Heaven will be found to give effect to." P288

Note 10. 'The Songs of The Five Sons'. Part III. P158:

The people should be cherished;

They should not be down-trodden;

The people are the root of a country;

The root firm, the country is tranquil.

When I look throughout the empire,

Of the simple mean and simple women,

Any one may surpass me.

If I, the one man, err repeatedly;

Should dissatisfaction be waited for till it appears?

Before it is seen, it should be guarded against.

In my relation to the millions of the people,

I should feel as much anxiety as if I were driving six horses with rotten reins.

Note 11. It is argued that the ruler should rule the subjects with their acceptance rather than simply impose rules and laws on them. As the "lord is the boat; his subjects the water. It is the water that sustains the boat, and it is the water that capsizes the boat (Xunzi, 1988, p. 103).

Note 12. 'The Works of Mencius'. Tsin Sin. Part II

Chapter. XIII. Mencius said. "There are instances of individuals without benevolence, who have got possession of a single state, but there has been no instance of the throne's being got by one without benevolence.

Chapter. XIV: Mencius said, "The people are the most important element in a nation; the spirits of the land and grain are the next; the sovereign is the lightest. P483

Note 13. King Hui of Liang, Part II, Chapter IV, The King said, 'I have an infirmity; I am fond of beauty.' They reply was, 'Formerly, King Tai was fond of beauty, and loved his wife...At that time, in the seclusion of the house, there no dissatisfied women, and abroad, there were no unmarried men. If your Majesty loves beauty, let the people be able to gratify the same feeling, and what difficulty will there be in your attaining the royal sway? P163

Note 14. Nowadays many more Chinese universities have established their school of Chinese classics, much effort is put into Confucianism study. In addition, Chinese government has been investing in building up Confucian institute all around the world aiming at prompting Confucian culture. For more information, see Joseph A. Adler's paper 'Confucianism in China Today'. Retrieved August 7, 2013, from <http://www2.kenyon.edu/Depts/Religion/Fac/Adler/Writings/Confucianism%20Today.pdf>

Note 15. One should notice that the power of the emperor in China also changes along the history. Tang dynasty for instance, the prime minister and his cabinet has admirable power in front of the emperor. The authority of the cabinet is carried out by three ministries. Ministry of Zhong Shu is responsible for drafting the top official documents, and the emperor usually give his signature symbolically. Then the documents go to the ministry of Men Xia, there the documents get examined. If ministry of Menxia rejected the documents, they would be sent back to the Ministry of Zhong Shu for further changes. Or, the documents are approved, they will be handed to the ministry of Shang Shu for execution. Nevertheless, in Ming dynasty, the power of the emperor reaches the climax. For detailed argument, see 'The Gain and Loss of Ancient Chinese Politics'. In this book, Qian Mu(2001)made a systematic study on the vicissitude of the power relation between emperor and his prime ministers.

Note 16. It would be very inappropriate to argue that Confucianism never touches the question of institutional design. Maybe it is better to argued that it is however not the focus of the Confucianism, or Confucianism addresses the question of institutional design in the way of specifying Li (rituals). Nevertheless, the explicit work made on addressing the power distribution in term of making certain institutional structure was in general not made until Ming dynasty. Huang Zongxi (2011), as one of most influential Ming scholar, explicitly reflected the power of the emperor should be limited, arguing that the emperor and the officials are the same in the sense as agents to govern the state, thus the only difference is just the title. Reasoning in this way, he proposed to restore the authority of

prime minister that has been abandoned by the first emperor of Ming. In addition, he suggests the imperial school should be granted with more authority in order to limit the power of the emperor.

Note 17. Imperial advisor is a specific group of officials that are mainly responsible for judging the behavior of the emperor and advise them to make the changes. All the dynasties have imperial advisors, and some of them, for instance in Song dynasty (960-1279) there are institutionalized departments for it.

Note 18. Xie Guian (2002) explored the political function of folk songs. He argued that the folk song played an important role for informing the governors and governors even adjust their policies and management of human resources.

Note 19. For more detailed discussion, see liu Jun's (2009) paper on discussion of the Qin Yi tradition and Dong Lin party in Ming dynasty.

Note 20. One should notice that in theory, the just rebellion is legitimized. Nevertheless, in reality it is always a problem to judge if the emperor indeed lives up to his status. There are simply no institutionalized procedure to review the gains and lost of the emperor.

Note 21. Recently there is a champion on the cyberspace called weibo anti-corruption. Average citizens expose evidences on the corruption of governors, and after it gets much attention, the official investigation steps in. This champion is simply allowed without getting any interruption.

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