Why is Confucianism not enough?

Andre Malraux, the famous author and statesman of France, once visited Japan and responded to a reporter’s question about differences between China and Japan: “China didn't have warrior spirit. [In] the West Europe had chivalry, and India had it, too. But only China didn't have it.” Malraux summarized a common perception of a China traditionally ruled by an effete class that lacked warrior spirit (in other words Confucians). The ideal society according to Confucianism consisted of four classes in descending order: a relatively small Confucian educated elite, a large class of farmers/peasants who served as the mainstay of an agrarian-based economy, a class of artisans who provided the tools and implements needed for society to function, and a class of merchants who the Confucians regarded negatively as a burdensome group who managed society’s wealth without actually producing anything themselves. Graphically, the structure of the ideal Confucian society may be depicted as a pyramid:

1 Albert Welter, Professor and Head, Department of East Asian Studies, University of Arizona.
2 As reported in https://www.ourorient.com/the-warrior-spirit-of-china (accessed January, 2019). Malraux was a French novelist, art theorist and Minister of Cultural Affairs. He is best known for his novel La Condition Humaine (Man’s Fate) (1933).
Malraux inadvertently points out what makes the ideal Confucian social structure problematic, and what is missing. In fact, the Confucian ideal of four classes was rarely, if ever, realized in actual practice. The low status of merchants and the absence of the military were belied by the roles played by each throughout Chinese history. Ever since Emperor Wu (r. 141-87 BCE) of the Han Dynasty (206 BCE–220 CE) promoted Confucian doctrines, relied on Confucian advisors, and established Confucian institutions, Confucianism has been hailed as the center of the Chinese tradition. The reality, however, was quite different. Emperor Wu’s promotion of Confucianism did not interrupt his continuation of the system of rewards and punishments and administrative methods of his predecessor, the first great unifier of China, Shihuangdi, who reigned as king of Qin (r. 247–220 BCE) and the first emperor of the Qin Dynasty (221–206 BCE). This system of administrative methods and standards goes by the name of Legalism, in Chinese Fajia 法家. In it lies the foundations of China’s bureaucratic empire and the assumption of a leading role for the use of force, including especially military force, in the exercise of power.

The six arts of ancient China included the military arts of charioteering and archery in addition to ritual performance and musical artistry, and the writing skill and mathematics. These were areas that any self-respecting gentleman wished to demonstrate expertise in. This ancient ideal of gentlemanly arts practiced in concert, a kind of Chinese equivalent to a “renaissance man,” eventually gave way to a more dedicated class engaged in the practice of warfare as an end in itself. The turning point is codified in the works of the famed military strategist, Sunzi 孫子, whose Art of War (Bingfa 兵法) has become required reading by military (and business) strategists. Before Sunzi, war was conducted according to the gentleman’s code. Winning was not the only desired outcome of military conflict but was deemed as one pursuit among many. The overriding concern was for conduct as an expression of virtue, a sort of “it doesn’t matter whether one wins or loses but how one plays the game,” i.e., how one comports oneself according to standards of gentlemanly virtue. It is in this regard that a professional military was deemed unnecessary and not in keeping with the ideals of a good Confucian society. After Sunzi, ideas about conduct in war changed. War

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1 In addition to the military, other unclassified occupations in the Chinese context included the imperial clan, eunuchs, religious groups, entertainers, and slaves.
is no longer about virtue, but about winning. To ensure victory, one must take advantage of opportunities as they present themselves. The headings of the *Art of War* indicate the strategic nature of the topics addressed: 1) Detail Assessment and Planning, 2) Waging War, 3) Strategic Attack, 4) Disposition of the Army, 5) Military Forces, 6) Weaknesses and Strengths, 7) Military Maneuvers, 8) Variations and Adaptability, 9) Movement and Development of Troops, 10) Terrain, 11) The Nine Battlegrounds, 12) Attacking with Fire, and 13) Intelligence and Espionage. For Sunzi, the military becomes an essential aspect of government strategy, not something disdained by an elite class who looked on military engagement as a sporting necessity and an arena in which to demonstrate their virtue as gentlemen. Military strategy becomes an aspect of government intelligence, where “the supreme art of war is to subdue the enemy without fighting,” where “every battle is won before it is fought.”

Sunzi’s *Art of War* was readily incorporated into the ancient Chinese school of thought known as Legalism, introduced above. Legalism is, above all else, the exercise of power, the use of authority to increase wealth and expand territory. While the English translation would seem to indicate a preference for the “rule of law,” Legalists, in fact, were experts in administrative methods, and the school represented several branches of realistic statesmen or “men of methods” in ancient China. Legalism was foundational for the traditional Chinese bureaucratic empire. Describing Legalists as “Theorists of the State,” the French sinologist Jacques Gernet considered Legalism the most important tradition of the 4th and 3rd centuries BCE, an assessment that nearly all would agree with. The Legalists were the first to conceive of the state as an empire with a centralized bureaucracy and administration and not just a conglomeration of families and villages. They concentrated on the accumulation of wealth and power, and as a result, are often compared with Machiavelli and considered akin to realpolitikal thought in a Chinese context. They ignored morality as a basis for governing, as well as questions of how a society should ideally function. They examined contemporary realities, emphasizing how best to consolidate wealth and power in the hands of an autocratic ruler and state. Their foremost goal was achieving increased order, security and stability.

The contributions of Legalist thought include the institution of administrative measures, the concept that effective government required skilled system design, implemented by a bureaucratic chain of command through the demarcation of administrative sub-units. They called for government oversight of the citizenry through the registration of households. The economy and taxation were administered by the central government with proceeds going directly to the state. Weights and measures were standardized to ease the flow of goods throughout the empire. They promulgated a law code and penal measures to ensure proper conduct according to government dictates, believing that good conduct cannot be presumed but can only be assured by coercive measures. In this, they determined, against their Confucian detractors, that the rule of law superseded rule by virtue and that the only effective means of governance is to presume an avaricious nature that can only be curbed by the threat of external punishments and prohibitions. Government was executed through a centralized, state-wide administration of magistrates with allegiance directly to the ruler rather than local power holders. The state also worked to disintegrate large multi-lineal clans in favor of a nuclear family structure with fewer means to contravene state dictates. To ensure border security, the government staffed a large, well-equipped army that also facilitated the expansion of territory where possible. To ensure domestic security, the government staffed a large contingent of security forces that enacted brutal policies against any who contravened the goals of the state.

**The Dynastic Cycle: The interplay between Confucianism and Legalism**

The reality of rule in imperial China was not a simple expression of government benevolence according to Confucian principles, no matter how frequently and effectively Confucian scholars and historians evoked this ideal, but a dialectic between the arts of war and peace: The Way of Warriors (the Art of War sanctioned by Legalism) vs. the Way of Benevolence (Humane Conduct sanctioned by Confucianism). In theory, the “mandate of Heaven,” the Confucian enshrined principle of divine sanction for imperial rule, determined that all rulers were decided by Heaven as an acknowledgement of their superior moral virtue. In reality, a tension permeated imperial rulership in Chinese history, fluctuating between the notion of emperors as warlords vs. emperors as moral exemplars following the dictates of Confucian principles. According to Confucian teaching, the warlord is never a legitimate ruler, but a usurper who achieves his position not through moral example but through the exercise of authoritarian rule backed by brute force. The
reality demanded that in virtually every case, a dynastic founder achieved his position through the exercise of his military power, besting rivals on the battlefield to win his role. This reality is revealed in the famous advice allegedly proffered to Kublai Khan by his minister, “Conquering the world on horseback is easy; it is dismounting and governing that is hard.”¹ The advice reveals the dynamic of imperial rule in China. China is conquered by brute force but must be administered judiciously for the success and longevity of the dynasty to ensue. This sets up the classic struggle in Chinese politics between the power of the word (in Chinese wen 文, indicating literature or the culture of letters) vs. military might (in Chinese wu 武, military prowess).

The key to a successful dynasty is to translate military success into administrative effectiveness. Military success depends on soldiers and armaments. Administrative effectiveness relies on knowledge and the power of the pen. Dynastic founders typically start out as hegemonic rulers who acquire rule through military prowess. To be sure, the Confucian tradition, as mentioned above, makes a large distinction between the way of the hegemonic ruler (ba dao 霸道) and the way of enlightened rule by the virtuous king (wang dao 王道). Only the latter is regarded as true and authentic. In reality, the transition from wu to wen, from hegemon to enlightened ruler is a transition that must be demonstrated after the fact. How hegemonic proclivities evolve in the wake of the successful conclusion of combat is filled with uncertainty, reflecting the ruler’s temperament and the circumstances surrounding the peace he has won. Have all rivals been vanquished? Has peace created new ones? What political factions are there to contend with? The questions surrounding the circumstances are as endless and varied as rulers themselves. The threat of hegemonic tendencies often animates the reality of imperial rule after the dynasty is established. Legalist authority based on force is an avenue available to all emperors and is often evoked under the guise of an otherwise “Confucian” administration. In short, however, the successful dynastic transition from wu to wen involves establishing a literary-based culture. The transition to wen entails empowering the bureaucracy of scholar-officials and diminishing the vital role previously played by the military. In the Chinese context, the study of Confucianism is central to the creation of a bureaucracy of scholar-officials.

¹ A statement attributed to Yelü Chucai (Mongolian, Urtu Saqal); Jerry Bentley, Old World Encounters: Cross-Cultural Contacts and Exchanges in Pre-Modern Times (New York: Oxford University Press, 1993), 143.
This brings us to something known as the “dynastic cycle” in imperial China, which attempts to explain the dynamics of dynastic rule and dynastic change. One of the first things that one learns about when studying imperial China is the “mandate of heaven.” The mandate of heaven purports to explain how imperial power is attained and preserved in dynastic history. According to this concept, heaven embodies the natural order and divine will of the universe. It grants the mandate to a virtuous ruler, referred to as the “Son of Heaven.” When a ruler is deposed, it is deemed an indication that the ruler lacks virtue, and as a consequence, the mandate is revoked. Natural disasters such as famines and floods, earthquakes, comments, and other aberrations of the celestial order are taken as signs of heaven's displeasure with the ruler, and a potential indication of impending dynastic change. In order to perpetuate dynastic rule, emperors had to demonstrate an ability to cultivate peace and prosperity in addition to achieving success on the battlefield.

How the dynastic cycle accounts for the change of dynasty applies a mechanism that is less than precise and open to interpretation. Every dynasty, in principle, is founded by a “great hero” who allegedly acquires heaven’s favor as a result of his superior virtue. Once power is acquired, the founder immediately sets out to create the conditions for peace and prosperity in his regime. Government reforms are enacted to establish the agenda of the new regime through proactive policies. If successful, the lives of the common people improve, agriculture flourishes, and taxes are reduced. As wealth increases, however, corruption occurs. Friction with neighboring countries attracted by China’s largesse, typically from the north, poses the threat of conflict. Arming and supplying the military results in an increase in taxation, not to mention the added burden from the conscription of sons into military service, diverting their much-needed labor from agriculture. Disasters from a variety of potential sources—floods, droughts, famine, invasions, revolts—inevitably occur, contributing to further disruptions to the economy and society. At this point, the mandate of the dynasty is in jeopardy, and rebellion is deemed justifiable. Groups of disgruntled peasants form around leaders who call for reform. Eventually, a strong leader emerges to unite rebel groups to challenge the emperor, and the emperor is overthrown in a violent revolution. The victorious leader declares himself a new emperor, recipient of Heaven’s Mandate. The history

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1 While modern historians contest the “dynastic cycle” as a tool for understanding Chinese dynastic dynamics (see John K. Fairbank and Edwin O. Reischauer, *East Asia: The Great Tradition* [Boston, 1960]: 115), as the traditional historiographical tool used for judging the dynastic process in China, it had wide-ranging influence.
books award him a noble rank by virtue of his lofty spirit and superior virtue. He is the “great hero” of a new dynasty, and the pattern repeats itself. The dynamic dictates that all dynastic founders are virtuous heroes; emperors who preside over the end of a dynasty are depraved villains. The patterns of Chinese history are animated by the notion of Heaven’s Mandate and the “great hero” hypothesis which provides a moral mechanism to explain a dynasty’s rise and flourishing as well as its decline and fall. Depicted graphically, the dynastic cycle in China appears in a manner like the following.

The cycle suggests how warlords become emperors, and how the model of the emperor evolves over time. The founding emperor is a battle-hardened military commander, who wins admiration through his military prowess. Once crowned emperor, he remains a hands-on decision maker, dictating commands to his administrators in much the same way he formerly executed strategy on the battlefield through his military generals. Many of the administrators, indeed, are culled from the ranks of his former generals. The real transition from military-style governing to civil administration occurs through the vastly different training and experience of the founding emperor’s successors. The second emperor of a dynasty may be of an age where he personally experiences the battlefield, or at least recalls his father’s direct lessons from it, but by the third emperor of a dynasty, the battlefield may begin to appear as something “long ago and far away,”
a fading reality that has little to do with any actual functioning of the government. Emperors at this stage, if their tutors have been effective, are much more conversant in the arts of peace than the arts of war. Their Confucian teachers will have instilled in them an appreciation for *wen*, the culture of letters, over *wu*, the power of military might.

This brings us to a pattern that may be termed the “Bureaucratic Cycle,” the pattern of government control and authority in imperial China that explains the transition from the “great hero,” the dynastic founder, to bureaucratic control, where control of the government passes from emperor to bureaucracy. As outlined above, founding dynastic emperors were typically warlords skilled in the art of war. These emperors were autocrats with “hands-on” decision-making power. The crown prince, however, lived in a time of peace. As a protégé tutored by Confucian scholars skilled in the arts of peace, future emperors learned very different lessons. In theory, they were counseled to seek and follow the advice of their mentors, senior scholar-officials who executed the levers of power in their regime. From hands-on autocrat used to directing generals on the battlefield, the imperial position evolved into the head of the bureaucracy who seeks their advice and rules judiciously based on their counsel. This marked the ascendancy of the bureaucracy in imperial decision making and the execution of government policy. In extreme cases, the emperor became a mere puppet beholden to the bureaucracy (or other power holding groups such as eunuchs or members of the imperial family). Notwithstanding the realities of strong individual emperors who exercise their prerogative and seize the levers of power for themselves, thus invoking their autocratic privileges, the bureaucratic cycle in any given dynasty tended to operate in the following fashion. Dynastic founders were essentially hegemonic rulers who acquired rule through military prowess based on principles of Legalism. Successful dynastic transition moved from *wu* to *wen* as its operating principle to establish literary-based cultures. The transition to *wen* entailed empowering the bureaucracy as a class of scholar-officials expert in Confucianism. In the process, the position of the emperor evolved from “emperor as military general” to “emperor as head of bureaucracy.” By design, Confucians subjugated and devalued the military, which remained unrecognized in the hypothetically ideal Confucian state.

All of this, of course, is but a gross oversimplification of the complex of forces and idiosyncratic circumstances that constitute any particular dynasty and its emperors. But it is instructive, I believe, to see the pattern implicit in this outline, to see it still at work in broad strokes
in contemporary China. The period of imperial Chinese history has ended, but the forces animating Chinese history remain to haunt the present regardless of how determined Chinese modernizers have been to leave them behind. Confucianism may be the buttress for the “culture of letters” that the Chinese tradition relishes, but Legalism is the handmaiden that aids and abets the reality of gaining and maintaining power through force, without which it could not exist. The patterns of dynastic formation and decline are realized through this relationship between Legalism and Confucianism in the exercise of power.

The Dynastic Cycle and Modern China

How does any of this relate to modern China and the rule of Xi Jinping? To consider how China’s past is affecting the present and future, we must consider the influence of the imperial dynastic cycle to modern and contemporary China. The first question is: Is the dynastic cycle applicable? Some will argue that the disruptions involved in China’s tortured transition from its imperial period to modernity are such that they render it inconsequential. Modern China operates on principles divorced from this past and the dynastic cycle, a product of the imperial period, is no longer relevant. China is no longer ruled by an emperor, Confucianism is no longer the operative thought system of modern China, and the institutional and social structures permeating Chinese culture are markedly different than the past. All of this is true, of course, but the past has a way of peeking through the cracks in modern China (and elsewhere) in unexpected places. Xi Jinping’s recent evocation of Confucianism and the traditions of China’s past are a reminder that the past continues to resonate, even so far as to receive official. In this context, I would like to revisit the authoritarian tendencies of China’s past, namely China’s Legalist tradition, in light of the current manifestation, the authoritarian regime of the Chinese Communist Party.

If we look at generational transitions in Chinese Communist Party leadership, it is easy to assign to Mao Zedong the role of “great hero” and “dynastic” founder. Mao epitomizes the autocratic ruler who seizes control of the empire through victory on the battlefield. Mao continued his dominance through his reign as China’s supreme leader, crushing any opposition that emerged, perceived or otherwise, often in ruthless style. In this regard, Mao is comparable to China’s paradigmatic autocratic emperor, Shihuangdi of the Qin dynasty, introduced above, who united China through a brutal assumption of power and force buttressed by Legalist philosophy. Because
of Mao’s attempt at a full-scale transformation of China and the complete overthrow of its past traditions, he invites comparison with Shihuangdi, who attempted a similarly massive overhaul. His full name, Qin Shihuangdi, literally translates as “First Emperor of Qin.” The name of the first imperial dynasty, Qin, became associated with the tradition that Shihuangdi initiated and formed the basis for the English name “China.” (In Chinese, China is known as Zhongguo, the “Middle or Central Kingdom,” acknowledging its predominant role in the world, traditionally confined to the known world, primarily Asia.) The title Huangdi combined two titles—huang 皇 of the three sovereigns (san huang 三皇) and the di 帝 of the legendary Five Emperors (wu di 五帝) of Chinese prehistory. The title was intended to appropriate some of the prestige of Huangdi, the Yellow Emperor, considered a founder of the Chinese people.

Shihuangdi was a ruthless ruler who followed the dictates of Legalism to amass absolute power and authority in the ruler. Because of this and his disdain for Confucianism and other rival teachings, Confucian historians denigrated Shihuangdi as the arch-villain of Chinese history. Legalism acquired a bad name, associated with unbridled power without any regard for moral constraints. As a result, traditional interpretations of Qin Shihuangdi almost always portrayed the First Emperor as a brutal dictator. Ideological antipathy towards the Legalist State of Qin was established early in the Confucian tradition, prior to its victory and formation of the first empire in 220 BCE. As early as 266 BCE, the Confucian philosopher Xunzi warned against it, and later Confucian historians universally denounced Shihuangdi. Their enmity was enlivened by the excesses of Shihuangdi’s policies—he allegedly burned Confucian texts and buried Confucian scholars alive.

In the modern period, as the validity of Confucianism was called into question, different historical assessments of the First Emperor began to emerge. Propelled by China’s weakness in the latter half of the 19th and early 20th century, Confucian traditions began to be regarded as handicaps to progress toward modernization. China’s weakness in the face of foreign encroachments also caused some to look upon Shihuangdi with admiration. When foreign nations intruded upon Chinese territory, Kuomintang historians emphasized the role Shihuangdi played in repelling northern invaders, the construction of the Great Wall, calling him “one of the great heroes
of Chinese history,” and comparing him with the Kuomintang leader, Chiang Kai-shek.\(^1\) Chiang mounted a Northern Expedition in the late 1920s which led to the formation of a new Nationalist government in Nanjing. Interpreters compared these initiatives to the unification brought about by Qin Shihuangdi.\(^2\)

With the Communist victory in 1949 came a new assessment, one that initially refuted the Kuomintang historians. Following a Marxist critique, Shihuangdi’s unification and standardization were interpreted in terms of ameliorating ruling and merchant class interests, not the nation or people. The fall of the Qin Dynasty was seen favorably as the victory of the people through class struggle, as peasant rebellions in revolt against Shihuangdi’s oppressive policies. Their victory, however, did not lead to a victory for communism, as the peasant classes were deemed to remain complicit with the oppressive forces of landlords. In spite of this, many of Mao’s own ruthless policies against so-called “class enemies” and “counter-revolutionaries,” including the disbanding of families, the mainstay of the Confucian social fabric, his attacks on intellectuals, and so on, invited comparison. A new wave of interpretation praising Shihuangdi as Mao’s predecessor emerged in the 1970s.\(^3\) In this new assessment, Qin Shihuangdi was praised for his ability to unify China against the forces of division, and for his ruthless treatment of counter-revolutionaries. He was criticized, amazingly, for not being thorough enough, for allowing the forces of the old feudal order to continue after his death. This assessment paralleled Mao’s own ruthless and thorough condemnation of class enemies during the Cultural Revolution. Mao, himself, weighed in on Qin Shihuangdi, in a classic display of oppressive zeal.

He buried 460 scholars alive; we have buried forty-six thousand scholars alive... You [intellectuals] revile us for being Qin Shi Huangs. You are wrong. We have surpassed Qin Shi Huang a hundredfold. When you berate us for imitating his despotism, we are happy to agree! Your mistake was that you did not say so enough.\(^4\)

Freed of any possible moral constraints that a Confucian tradition might impose, Mao was able to freely express his Legalist spirit, even if couched in the ideology of Marxism-Leninism. In

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1 Ma Feibai, *Qín Shǐ Huángdì Zhuàn* (1941).
2 Ibid.
3 Hong Shidi’s biography *Qín Shǐ Huáng* (1972) initiated the re-evaluation
1973-74, the fervor for Legalist thought reached a crescendo in the *Examining Legalist Theories and Censuring Confucianism* movement, which has been described as an “exemplary incident of the pathological development of the Sinification of Marxism.”¹ As in the case of Qin Shihuangdi, however, the excesses of Mao’s brutal and repressive campaign proved too much to bear. With Mao’s death in 1976, the Cultural Revolution came to an abrupt halt. The trial of the Gang of Four—led by Mao’s wife Jiang Qing—that followed proved the final death knell of the Maoist movement.

Following a brief interim, the moderate faction of the Chinese Communist Party led by Deng Xiaoping seized control. Deng initiated his policies of “opening up,” implementing the so-called “four modernizations” (economy, agriculture, scientific and technological development, and national defense), and advancing an ambitious plan of opening and liberalizing the economy. In terms of the “dynastic cycle,” Deng represents a move away from the ruthless autocratic ruler, toward an administrative style that emphasized bureaucratic centralism. The repressive actions sanctioned by Deng against the Tiananmen protestors in 1989, however, reveal the extent to which authoritarian measures remained possible in the exercise of CCP power and control. Mao’s famous dictate, “power comes from the barrel of a gun,”² continued to represent the Party’s response when facing opposition. Nonetheless, the era of economic progressivism initiated by Deng continued to hold sway in China, as Jiang Zemin and Hu Jintao followed Deng Xiaoping’s pragmatic policies. Term limits were established, as were a new technocratic style of governance and a less centralized political structure. Outsiders contented themselves in the belief that China was easing toward a liberal democratic model.

With the assumption of power by Xi Jinping, China has entered its most recent iteration of CCP rule. As China moves further and further away from the war footing of its foundation, does the “dynastic cycle” and “bureaucratic cycle” of history foretell a move toward a more assured


regime, content to rule through the arts of peace and cultural refinement (Confucianism), to forsake the brutality of oppression, the art of rule by force (Legalism)?

The Legalism of Xi Jinping

Xi Jinping’s 2014 address to the 5th Congress of the International Confucian Association in the Great Hall of the People gave great hope to Confucians within China and around the world that a new era was dawning, in which Confucius and the Confucian tradition would begin to reassume its historical role as a fixture, perhaps even a centerpiece of modern Chinese culture, reversing century-long initiatives to unseat and vilify it as the reason for China’s decline. Many now see it as China’s gift to the world and are diligently strategizing on ways to turn this aspiration into reality. To accomplish this, the reformulations efforts of New Confucians must first take hold in China itself.

Isn’t Xi Jinping’s announcement of the compatibility between CCP and Confucian values enough to substantiate the claim for a new era of Confucian ascendance? Perhaps, but a recent article by Sam Crane in the Los Angeles Review of Books, “Why Xi Jinping’s China is Legalist, Not Confucian” (June 29, 2018), explains succinctly why Xi Jinping’s evocation of Confucianism should not be taken at face value.

Crane begins with a reference to Jiang Shigong, a law professor at Peking University, and one who believes that with Xi Jinping, China has entered an era of a new Confucian-Marxist leadership. He cites a recent article by Jiang — an explication of Xi’s speech at the 19th Party Congress in October 2017 — where Jiang underplays Xi’s Leninism with references to a variety of classical Chinese philosophical concepts, including “the unity of heaven and man”; “Learning of the Heart/Mind”; and “when the Way prevails, the world is shared by all”, and so on. Typical of the new wave of Confucians, Jiang fails to see the assertion of Legalist principles hidden in Xi’s proposals.

… Jiang largely ignores the Legalist tradition of Chinese thought, which arguably has much greater relevance to the current emphasis on Party building and political centralization in the People’s Republic of China. To paraphrase an old Maoist slogan, Jiang is waving the Confucian flag to defeat the Confucian flag. In so doing,
he is creating ideological space for an unspoken Legalist assertion of autocratic power.\textsuperscript{1}

Crane goes on to assert, “The crux of that power is Xi Jinping himself, as supreme leader of a highly centralized, strictly disciplined, bureaucratic Party apparatus.” Jiang argues that Xi’s authority goes beyond Weberian categories of legal-rational and traditional authority to be a kind of “charismatic power,” where Xi is the center of China both administratively and spiritually, “at the helm of a monocratic power structure that will carry out his interpretation of law and policy.” This, in effect, makes Xi akin to a Chinese emperor in the Confucian tradition, whereby the position of ruler is not limited to political authority, but assumes the role of spiritual leader as well, enacting a harmony between the three realms—heaven, earth, and human—the traditional role ascribed to a Chinese ruler (as \textit{wang} 王) in Confucian terms. As Crane points out, it is the threat of disorder and collapse that weighs most heavily on the minds of Jiang Shigong and Xi Jinping, and it is this threat that is the rationale to justify harsh autocratic rule. Confucianism is not the buttress they lean on, but rather Legalist theoreticians and administrators of the Warring States period who based their oppressive policies on the threat of disorder and chaos. “[L]ike Emperor Wu of the Han Dynasty, [Xi] reaches for Confucianism to serve as a pleasant façade to cover the unkinder reality of Legalist authoritarianism, advocating for “integration of the rule of law and the rule of virtue.”\textsuperscript{2}

Yet eager New Confucians, hopeful for a conversion of state ideology away from Marxism-Leninism, must take note of the clear limit Jiang sets against the “Confucianization of the Party”, describing it as “the dregs of feudal restorationist thought.” Jiang is not a Confucian. Xi Jinping is not a Confucian. They are, at base, Marxist-Leninists, working hard to strengthen a highly centralized authoritarian state under the leadership of an unassailable single leader. In that project they are enacting, in a modern context, not Confucianism nor any other humane Chinese philosophy, but the Legalist vision of Shang Yang and Han Feizi.\textsuperscript{3}

\textsuperscript{1} \textit{Los Angeles Review of Books}, “Why Xi Jinping’s China is Legalist, Not Confucian” (June 29, 2018).
\textsuperscript{2} Ibid.
\textsuperscript{3} Ibid.
The only further thought I would assert is to emphasize Crane’s assessment of the implicit role Legalism has played throughout the Chinese tradition. Humane government in China was always delivered in the shadow of absolute power. The ability of an emperor to express kindness and magnanimity was a function of the authority he assumed. This authority was buttressed by a Legalist foundation, even when unacknowledged, as was frequently the case.