

The Way of the Humane Authority

THE THEORETICAL BASIS FOR CONFUCIAN CONSTITUTIONALISM
AND A TRICAMERAL PARLIAMENT

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The way ahead for China's political development is the Way of the Humane Authority and not democracy.¹ This is the only way in which Chinese culture can respond to the challenge of Western culture. However, in recent years China's political development has begun to go astray. Every current of political thought in China assumes that democracy is the way ahead for China. This goes without saying for liberal democracy's Western-style "genuine democracy," or for the pursuit of a "socialist democracy" by socialism that is supposed to differ from "capitalist democracy." It even includes the neo-Confucians who exalt Chinese culture and make democracy the "new kingship" derived from the Confucian way of the sage.² A glance over China's current world of thought shows that Chinese people have already lost their ability to think independently about political questions. In other words, Chinese people are no longer able to use patterns of thought inherent in their own culture—Chinese culture—to think about China's current political development. This is a great tragedy for the world of Chinese thought! It is, therefore, necessary to go back to the inherent patterns of Chinese culture to ground the development of Chinese political thought, rather than simply following the Western trends and forgetting our own culture. By the "inherent pattern of Chinese culture" I refer to the "politics of the Way of the Humane Authority." The politics of the Way of the Humane Authority is the way ahead for China.

THE POLITICS OF THE WAY OF THE HUMANE AUTHORITY

At the heart of the Way of the Humane Authority lies the question of three forms of political legitimacy. Legitimacy is the deciding factor in determin-

ing whether a ruler has the right to rule. *The Gongyang Commentary* to the *Spring and Autumn Annals* says that to rule one must “share in the realms of heaven, earth and human beings,” or that “the Way of the Humane Authority links three spheres,” which means that political power must have three kinds of legitimacy, that of heaven, earth, and the human, for it to be legal and justified.³ The legitimacy of “heaven” refers to transcendent, sacred legitimacy. In Chinese culture “heaven” has both the character of a ruling will, personal yet hidden, and a transcendent, sacred sense of natural morality. The legitimacy of “earth” refers to the legitimacy that comes from history and culture because cultures are formed through history in particular places. The legitimacy of the “human” refers to the legitimacy of the will of the people because conformity to the will of the people directly determines whether or not people will obey political authorities.

The State of Equilibrium and Harmony says, “He who attains to the sovereignty of all the kingdom attach due importance to three points.” The first is “he sets (his institutions) up before heaven and earth, and there is nothing in them contrary (their mode of operation). He presents himself with them before Spiritual Beings, and no doubts about them arise.” This refers to sacred legitimacy. The second is “he examines (his institutions) by comparison with those of the founders of the three dynasties,⁴ and finds them without mistake. . . . He is prepared to wait for the rise of a sage a hundred ages hence, and has no misgivings.” This refers to cultural legitimacy. The third is “rooted in his own character and conduct, and attested by the multitudes of the people.”⁵ This is the legitimacy of the popular will.

The politics of the Way of the Humane Authority states that legitimacy comes from recognition and representation of the Way of heaven, history, and the popular will. It can ensure that the ruler’s authority and the people’s obedience are seen, respectively, as right and duty. Should the political authority simultaneously lack legitimacy in the three spheres, it will be obliged to constantly make bargains and will never win the full loyalty and acknowledgment of the people. The result could easily be a crisis of political authority. Political order will constantly be on the brink of falling into chaos. Hence, the Way of the Humane Authority of Confucianism seeks to fully and wholly resolve the question of the legitimacy of political power, and to establish a political order that is stable and harmonious over a long time. As we say in Chinese, we want to found a political order that is stable and long-lasting and that is “in accordance with the Way, with reality, with law and with the present situation.”

In the terminology of Chinese politics, the Way of the Humane Authority deals with “legitimizing the Way” (*zheng Dao*) and not with “implementing the Way” (*zhi Dao*).⁶ By “legitimizing the Way” we mean the legitimacy

of political power, while by “implementing the Way” we mean the way in which legitimate political power is implemented and exercised, as well as the methods and art of using legitimate power. Hence legitimizing the Way is superior, and prior to, implementing the Way. And the legitimacy of political power is the basis and goal of every political system, method, order, and art of politics. Without it, no political reality has any meaning or value.

In China today the biggest and most urgent question that politics faces is the legitimacy of the political order. If this question is not first dealt with, the lesser questions of implementation cannot be properly managed. Therefore, the mission of contemporary Confucianism is to establish a complete and integral legitimacy for the future of Chinese politics. The Way of the Humane Authority can lay the foundations for the legitimacy of China’s political order and so repair the failure to resolve this question and make up for the deficit of legitimacy that has been around for the past hundred years.

The Way of the Humane Authority seeks not only to determine the three forms of legitimacy but also to ensure that the three are properly balanced. Western democracy is built on the separation of powers, but from the view of the Way of the Humane Authority, the separation of powers is a matter of implementation and not of legitimization. Western democratic legitimacy is based on the sovereignty of the people. This is said to be unique, supreme, absolute, exclusive, and inalienable. From a political point of view there is nothing that can keep it in check. The Way of the Humane Authority is different. It holds that equilibrium is an issue not only in implementation but also in legitimization. It is not only to be used in the structure and working of political power but also to be used in determining the basic meaning and legal structure of political legitimacy itself. In the Way of the Humane Authority, no one form of legitimacy should be allowed to become sovereign over the others, for this will lead to political bias and failings.

Should transcendent legitimacy be overemphasized, it will quench a correct expression of human needs and the popular will. Examples of this can be seen in the religious politics of Christianity in the Middle Ages in the West, or in that of Islamic fundamentalism today. On the other hand, if popular legitimacy is overemphasized, it will deny the value of the sacred and lead to extreme secularization and pandering to human desires. Contemporary Western democracy is an example of this. Thus, the best thing is that legitimacy be balanced, so that no one form of legitimacy excludes the others and they will work together in harmony. Each will have its own proper place, playing its own role and not interfering with the others.

But the equilibrium of the three forms of legitimacy is not one of mere equality. It is not a two-dimensional, flat equality but a three-dimensional

one, a hierarchy. Heaven generates the myriad things from above, and the myriad things depend on the determination of heaven and earth. Their multiplicity comes from the one principle of heaven, as Cheng Yi says: "principle is one; its manifestations many." Thus, the sacred legitimacy of the way of heaven is prior to both the cultural legitimacy of the way of earth and that of the popular will of the human way. The basic relationship of heaven to earth and the human is given in the *Book of Changes* as the way of the *Qian* (heaven) hexagram, which is "great harmony are preserved in union" and "everything obtains its correct nature as appointed [by the mind of heaven]." It is the sovereign, and so the three forms are not equal or on the same plane. Hence, the three forms of legitimacy have a three-dimensional relationship as well as having a horizontal relationship of distinctive identity. As a result, the harmony of the legitimacies of the Way of the Humane Authority is a three-dimensional rather than a flat harmony.

The reason why the Way of the Humane Authority stresses the three-dimensional harmony has to do with Chinese ways of thinking. The influence of the *Book of Changes* and of the *Spring and Autumn Annals* means that China does not think in terms of either one or the other. Rather, the world is seen three-dimensionally in a structure that embraces many ways of thinking. To look at the question of legitimacy from the point of view of the three elements of heaven, earth, and the human brings out the tri-dimensionality of legitimacy and the separation of its constituent parts. It is one whole but multiform; priority and equilibrium both have a place. The Western idea of sovereignty of the people is the product of a Western way of thinking in straight lines, rather like the "supreme being" of Greek philosophy, which does not allow for multiplicity. The current Western notion of sovereignty of the people is simply the result of a rejection of the medieval sovereignty of God. In the Christian Middle Ages political authority came from God. God was the ultimate source of the legitimacy of secular power. God is unique, absolute, self-sufficient, exclusive, and the supreme essence, and so was what derived from God. The only difference between the sovereignty of God and that of the people lies in the content itself. In both the form and the way in which legitimacy is thought of, the two are exactly alike. Both come from a tendency to think in terms of absolutes, and so neither can admit any other form of legitimacy. In fact, the sovereignty of the people is simply the secular equivalent of the sovereignty of God. In contemporary Western politics, the people play the role that God played in the Middle Ages. Precisely for this reason, democratic politics asserts the sole legitimacy of the will of the people and cannot imagine any other form of legitimacy.

THE WAY OF THE HUMANE AUTHORITY IN THEORY AND HISTORY

The Way of the Humane Authority is the theoretical model by which Confucianism establishes a way of solving the question of legitimization on the basis of the historical archetype of the sage kings of the three dynasties (Xia/Shang/Zhou). Hence, the Way of the Humane Authority is grounded both in real history and in quasi-history. It is both an ideal and also an ideal that is not purely formal because it has been fashioned through history and is erected on a historical basis. This is very different from democratic politics. When faced with the question of legitimacy, democracy places its theoretical foundation in social contract theory. The idea of the social contract is one that uses reason or, better, concepts to posit the origin of the state and then to construct political legitimacy. The legitimacy of a democracy is a product of pure reason and speculation that lacks an authentic historical background.

The Way of the Humane Authority is a theoretical model constructed on the basis of historical facts. There are two features that determine the Way of the Humane Authority. Firstly, the Way of the Humane Authority was implemented in history, unlike the pure mystique that democracy is.⁸ Secondly, the Way of the Humane Authority is an ideal model, which implies that in history it has only been gradually and partially realized. Its full implementation requires a long and slow historical process. In the course of Chinese history the Way of the Humane Authority has been implemented in only a fragmentary fashion; there is still a significant gap between the Way of the Humane Authority and the political realities of Chinese history.

The concrete way in which the Way of the Humane Authority has been implemented in Chinese history is that of monarchy. In the view of the Way of the Humane Authority, the legitimacy of the monarch is conditional upon benevolent and virtuous governance. Lack of benevolence and virtue entails a loss of legitimacy. Above we noted that the political order is part of "implementation" while "legitimization" is a theoretical model. Although "legitimization" appears in history, once it appears it is able to transcend concrete history and has everlasting value. "Implementation," on the other hand, is the concrete historical means by which legitimization is realized. Hence, for the Way of the Humane Authority, legitimization does not change, whereas implementation may. Monarchy is in the realm of implementation. It was the only natural choice in the long course of Chinese history and carries the necessity and rationality of history. Historically speaking, it is the legitimate form of politics in China.

Yet monarchy is not the sole, unwavering choice of Confucianism, nor is it the unchanging and fixed form in which the Way of the Humane Authority can exist. Changes in historical circumstances may necessitate changes in the form of rule. Hence, the given state of implementation of the legitimacy of the Way of the Humane Authority is valid only for that particular period in history. As an ideal, the three-dimensional harmony of the three forms of legitimacy is one that can be universalized. It is creative and transcendent and can go beyond monarchy to establish other forms of rule. The various forms of government that have appeared in history—monarchy, aristocracy, democracy—are limited and partial implementations of the values of the Way of the Humane Authority in history. But history has also shown that no historical form of government fully implements all the legitimacy we might expect from the Way of the Humane Authority. It should, then, be possible to bring together some of the ways in which human beings have imagined and created political systems into a new system and by this new system fully implement the threefold legitimacy of the Way of the Humane Authority. The way in which Confucius brought together the wisdom of the three dynasties is precisely the wisdom that we must study for the Way of the Humane Authority today. The sage kings have already established an unchanging standard of legitimization. Our task today is to use this standard of legitimization to construct a new policy of implementation. This mission is not incumbent only on contemporary Confucian scholars. It also falls to everyone who is concerned about the political future of China.

THE LEGITIMACY OF DEMOCRACY

In the *End of History*, Fukuyama says that since the end of the Cold War, democracy has become the only possible form of government.⁹ The fundamental roots of democracy have already been planted. The political problems that contemporary human beings have to face are only a matter of unrealized or only partially realized democracy. The types and the principles of human politics cannot develop any further. Hence, human history has come to an end; there is no hope left for politics. We might ask if this is true. Fukuyama writes from the point of view of Western culture, a culture that has taken the road of democracy, a culture that is proud and self-centered. Naturally, he is unable to see that other cultures have their own political principles and contexts. It is certain that what Fukuyama says does not apply to China. Indeed, democracy itself already suffers from serious problems and is by no means the only formula for humanity. Democracy is merely part of Western culture. That democracy will not develop further does not mean that politics cannot develop further because democracy is

not the final form of politics. Political history does not end just because democracy has come to an end. According to the *Book of Changes*, history never ends. Politics will certainly continue to develop, but that development need not be in democracy. Rather, it could be beyond, or above, democracy. It will develop into a superior form in a political civilization other than that of democracy. This is where the Way of the Humane Authority of Chinese culture comes into play. It is the new starting point for politics and the new hope for human history.

To appreciate the value of the Way of the Humane Authority, we must first of all understand the flaws of democracy. The major flaw of democracy is the uniqueness of the legitimacy of the popular will. The exaggerated importance given to the will of the people leads to extreme secularization, contractualism, utilitarianism, selfishness, commercialism, capitalization, vulgarization, hedonism, mediocrization, this-worldliness, lack of ecology, lack of history, and lack of morality. The legitimacy of the popular will has its proper place in dealing with the question of legitimization, but to use it exclusively is to exclude other forms of legitimacy and to leave it uncorrected by those other types of legitimacy. The result is that it is inflated without restraint, bringing about many political problems.

For instance, by only stressing the legitimacy of the popular will, we exclude sacred legitimacy. Even the balance of the separation of powers at the level of implementation is merely a tool at the service of a secular will or desire. Sacred values cannot enter into politics in a structural way. They can be involved only through personal belief or society's demands. They are neither necessary nor effective in politics. This means that the democratic system has no place for the restraint provided by sacred values. It makes a secularized popular will its only center. But since a secularized popular will is deeply rooted in worldly desires, democratic politics amounts to a politics of desire.¹⁰ When people choose their representatives and there is a clash between partial interests and the common interest—the common interest is a matter of sacred legitimacy—they must choose representatives of partial interests rather than those representing the common interest. For a democracy to choose people who represent the common interest would mean contradicting the will of the electorate, and so the democracy would lose its legitimacy. Once legitimacy is lost, the authority of the ruling body is weakened and it will fall. Hence, in a democracy, political choices are always down to the desires and interests of the electorate.

For example, the U.S. government's ratification of the Kyoto Protocol depends on pressure from domestic popular opinion.¹¹ The reason is very simple. The U.S. government is formed by an election every few years. During that time most people think only of the immediate interests of those few

years. They do not think of long-term interests or of the common interests of all mankind, in which they themselves will not share. For the U.S. government, it should always cleverly uphold the will of the American people—in reality, their desires and interests. The cause of this can be traced back to the singling out of the will of the people as the sole source of legitimacy and the lack of restraint that ought to be provided by sacred legitimacy.

Democracy has a further serious problem: it lacks morality. In a democratic system, the authority and legitimacy of the government are determined by a formal will but not a substantive will of the people. They concern majority opinion with no respect for the quality of the opinion. Suppose the will of the people goes against human morality; it is enough for a majority of the electorate to attain the legally required number to give rise to political authority and legality. This is why democratic electorates give rise to imperialism, fascism, and hegemonism. Democracy is a matter of head counting, and this means that there is no regard for morality. An immoral will of the people can produce a legitimate authority and government. The root problem is that at the level of legitimization, the will of the people is not restrained by sacred legitimacy or universal morality. Its historical and cultural origin lies in the split that occurred between church and state. In the West, the church stands for morality, and so the separation of church and state meant that the church (morality) departed from the political arena.

A stress on the will of the people as the sole source of legitimacy also means that in the running of a democracy there are no ideals. We know that the “people” seek, above all, their immediate interests. At the level of the state, this translates into wanting the basic commodities. As a result Carl J. Friedrich defines “democracy as the politics of the common man.”¹² It cannot be denied that, as the politics of the ordinary person, the desires and interests of the populace do have a certain justification. Hence, an important part of political legitimacy has always been this grounding in the desires and interests of the people. But, in the recent era, Western culture has gone astray, leading to the separation of church and state. Human beings are the only source of political legitimacy; sacred values are relegated to beyond the pale of politics.

Since Western rationality does not allow for several kinds of legitimacy to exist together, there has been a tendency for the will of the people to be accorded unique status. As a result, in politics there is no great morality or high ideals. All that is left are bare desires and interests. There is no longer any room for lofty hopes and great vitality. In these circumstances, politics takes the road of vulgarization and pandering to desires; the government becomes a company with political leaders as the directors; political rule

becomes a matter of signing contracts, and everything can be assessed in terms of financial interests. The ideals once pursued and the noble personalities of the past are no longer possible.

There are theoreticians in the West who hold that the emergence of an extreme left-wing or right-wing government is due to mediocrity because a democracy is incapable of proposing any moral ideals. An authoritarian government may, on the contrary, happen to propose moral ideals—though of course today it would seem to be illusory ones—but there can be no disputing that the mediocrity and lack of ideals brought about by the sole sovereignty of the popular will in democracy result in people despising, and getting tired of, democracy.

Since democracy makes the will of the people the sole source of legitimacy, it is unable to tackle environmental problems at the root. This is because environmental issues have to do with sacred legitimacy or, in Confucian terms, with the legitimacy of the Way of heaven. The Way of heaven can, at times, clash with the popular will. This is because the popular will is formed by human desire, and the only way to resolve conflicts between heaven and the people is to curb desire. But in a democracy the will of the people is a secularized form of God's will, and so it alone is sovereign, absolute, supreme, and sacred. There is no place for curbing human desires as this amounts to turning one's back on the sacred will of the people, which is politically illegitimate.

When the will of the people goes against the Way of heaven, that is, when desires and the environment clash, a democratic system can allow for only a certain degree of technical tinkering and no deep-rooted solution. The balance of a democracy is perpetually tilted in favor of desires because the will of the people accepts no restraint from sacred legitimacy. It holds unrivaled sway over the whole political field. The legitimacy of ecological values can have a place only if they attain some value at the level of the popular will and thereby enter the political process.

In fact, Western democracy is able to tinker with a few ecological issues only by interpreting these as a longer term, higher quality satisfaction of desires. It is not able to do so because it wants to obey the Way of heaven, or even less because it wants to assert the legitimacy of the Way of heaven itself. Hence, even when Western Green Parties are successful on the political stage, they can never fully implement their green ideals. Green Parties represent the legitimacy of the Way of heaven, while democratically elected representatives represent popular legitimacy. If Green Parties really wish to realize their ideals, what they need to do is to correct the flaw by which the will of the people is seen as the sole source of legitimacy. They should use sacred legitimacy to restrain popular legitimacy. But this is impossible

in a democracy because it leaves no space to other forms of legitimacy. The very desires that democracy is built upon are the main political cause of ecological problems.

In non-Western countries, which have established democracies, the exaltation of the popular will as the sole form of legitimacy has led to an exclusion of the legitimacy provided by history and culture. This has led to a rupture between politics and a people's own tradition of history and culture. Politics fails to win the recognition and support of tradition. Even if popular opinion is willing to concede recognition and support to democracy, yet because democracy lacks roots in the culture and has no source in that tradition, it fails to win recognition and support from that people's cultural tradition and can never be wholly legitimate. The will of the people is simply endorsement by the current population of the state at a particular time and place, while the legitimacy of history and culture is the endorsement formed by many generations over hundreds and thousands of years.

A state is an organic, living body. It continues through history. Politics may not break with the historical continuity of a state, or else the organic life of the state will be smothered and we will see historical nihilism in politics. The state is the state of the past, of the present, and of the future. The role of the state today is to transmit the life of the past state to that of the future. The state is not the result of a rational choice or the will of the people. It is the fruit of historical continuity and traditional inheritance. It is this organic nature of the state that decides questions of legitimacy. Political authorities must gain recognition from history and culture. They must continue the life of the past state, and only then can they claim legitimacy.

Western democracies do not have the problem of historical and cultural legitimacy because democracy itself is a product of, and has deep roots in, Western history and culture. But in non-Western countries, which lack a tradition of democracy, states may have already established democracy and won popular recognition but lack recognition from their own history and culture. The legitimacy of this colonial implantation of Western-style democracy on non-Western states has to go through many twists and turns to win acceptance. Its reliance on the will of the people alone is a very weak form of imperfect legitimacy.

To summarize, we have seen that democracy is not, as Fukuyama thought, without fundamental problems. The political problem of the present time is not simply a matter of how to implement democracy. Indeed, as I see it, the problem is precisely the opposite. The political problem of today's world is that democracy itself presents a serious problem. So long as the will of the people is seen as the sole source of legitimacy, politics can never aim at implementing the good. Hence, the problem is not to implement democ-

racy, as Fukuyama reckons, but how to change the basic principles of democracy and reestablish the principles of legitimacy. This is the most fundamental political issue facing humanity. In practice this means demoting popular legitimacy from its status as sole source of legitimacy and founding a new model of politics in which several kinds of legitimacy work together in equilibrium. This new form is precisely what the Way of the Humane Authority is about. History has not come to an end. The Way of the Humane Authority marks a new beginning in political history and a new hope for politics.

THE WAY OF THE HUMANE AUTHORITY: SURPASSING DEMOCRACY

The Way of the Humane Authority produces an equilibrium, that is, a balanced politics, by uniting the three forms of legitimacy. Sacred legitimacy (transcendent), cultural legitimacy (historical), and the will of the people (human-centered) restrain each other; no single form can be an unrestrained dominant force. Each form of legitimacy has its own intrinsic justification, and each contributes in its own way to the work of checks and balances, contributing to the whole through what is different in each. This is the Chinese spirit of each exercising its proper role so as to obtain harmony. Whenever any one form of legitimacy becomes dominant and exclusive in political history, problems arise.¹³

Acceptance of the Way of the Humane Authority does not amount to a complete rejection of democracy. The Way of the Humane Authority is not opposed to giving the will of the people a reasonable place. It accepts the will of the people as part of legitimacy and ensures it is protected at the structural level by providing a more perfect framework. The Way of the Humane Authority is superior to and better than democracy because it does not exclude the other two forms of legitimacy. History shows that the three forms of legitimacy must balance each other out if there is to be a perfect politics. In the history of politics, the Way of the Humane Authority is the only one that unites all three forms of legitimacy in equilibrium. Therefore, it is the perfect form of politics that we ought to seek.

Firstly, the Way of the Humane Authority includes sacred legitimacy, which can correct the flaws inherent in the recognition of the will of the people as the sole form of legitimacy. Sacred legitimacy can restrain popular legitimacy so that it does not get inflated. The will of the people is subject to the universal restraint of religious morality, which embodies the Way and principle of heaven. Thus, it may overcome the extreme secularization of democracy and the flaws inherent in human desires and to realize sacred values in political life.

Secondly, the Way of the Humane Authority is able to put morality into politics. This is because sacred legitimacy is itself practical morality. The Way of the Humane Authority is not interested only in the formal will of the people. It must also consider the practical will of the people, that is, morality. The Way of the Humane Authority can take sacred legitimacy as a standard to test the legitimacy of political power and, in this way, introduce morality into the exercise and process of politics. Should the formal will of the people attain a majority, yet go against sacred legitimacy, then it is against morality and judged illegitimate according to sacred legitimacy. Hence, the Way of the Humane Authority, unlike democracy, is not a matter of rule by a formal majority. It is, instead, a practical rule in conformity with morality. The people who rule in conformity with morality are concerned only with the morality of the ruler's will and not with the formal issue of majorities or minorities. Although the Way of the Humane Authority gives a place to the will of the people, this will must conform to morality. If the majority of wills do not conform to morality, then what they want is illegitimate according to the Way of the Humane Authority. We must criticize and oppose illegitimate politics, and the standard for doing so is that of sacred legitimacy.

Thirdly, the Way of the Humane Authority has high ideals because it shares in heaven, earth, and the human. Through these threefold legitimacies it is able to encompass all things and yet respect the integrity of each, showing how Chinese culture, which is also human culture, can maintain the nature proper to each while seeking the ideal of their harmony. The same ideal of harmony must also be accomplished in the personality of every politician. Politicians not only have a responsibility to carry out the will of the people but also have a duty to realize the sacred Way of heaven and to ensure that the wisdom of the ages endures forever. Politics is, then, an arena not only for implementing the secular interests before us but also for seeking the ideal of harmony, for realizing the Way of heaven and ensuring the life of cultural wisdom.

To be human is to hope. To be alive means to be prodded by the stimulus of searching for ideals. Without ideals or hope, political life brings about regression and a falling away from life itself. We fall into the unending gloom of the depths, where we can never escape from the power of darkness. So it is that the Royal Way can overcome the vulgarization of democracy brought about by capitalist consciousness and awaken people of today, whose stimulus has been extinguished by the end of the Cold War.

At the same time the politicians sought after by the Royal Way are not mere officials chosen on the basis of universal equality, but rather persons of *charisma*, sages who share in heaven, earth, and the human. This kind

of sage is precisely the ideal type of person and model personality that humanity has always looked up to. In other words, the Way of the Humane Authority is the only form of politics by which a three-dimensional elevated model of personality can be brought into politics and overcome contemporary politics—democracy—with its formal equality of one person one vote and the leveling out that this brings to politicians. It alone can spur humanity on to seek great political ideals and elevated political personalities.

The Way of the Humane Authority includes the legitimacy of the Way of heaven (sacred legitimacy), which means that ecological values serve as the source for legal implementation. Any political system or conduct that goes against the Way of heaven will be deemed illegitimate. In other words, the Royal Way not only includes ecological values but also allows them to restrain the legitimacy of the popular will and so resolve ecological problems at the root. If the popular will is not against ecological values, it can be implemented in politics. Immediately the popular will is opposed to ecological values; the legitimacy of the way of heaven will restrain it so that it cannot exceed its bounds or bring about grave consequences. In this sense, we can say that the Way of the Humane Authority is a politics of ecology.

The Way of the Humane Authority includes cultural legitimacy, and it can thereby also help non-Western countries to develop politically without obliterating all their cultural tradition. We know that most non-Western countries, such as India, Japan, and Turkey, have followed the Western model of political development and have wholly embraced democracy.¹⁴ Since democracy manifests the flaw of the sole sovereignty of popular legitimacy and excludes cultural legitimacy, the political development of these countries has turned its back on their own historical and cultural traditions. They have created a political system that is in rupture with their own tradition and without roots. This type of rootless system lacks the nourishing sustenance of the resources of the past millennia. In contrast, the Way of the Humane Authority can provide historical-cultural legitimacy, and so non-Western countries will be able to draw on their own rich resources for their political development. The legitimacy of their authority to rule will be reinforced, and it will be more stable and able to last longer.

The Way of the Humane Authority hence has brought together the values of monarchy and theocratic rule from ancient times, the democracy of the modern era, and contemporary ecology. It can also help non-Western countries to draw on historical-cultural legitimacy for their political development. Just as Confucius brought together the spirit of reform of the three dynasties and Aristotle said that a mixed form of government was the best, so too the Way of the Humane Authority has brought together the good

models of human political history. The Way of the Humane Authority is the best form of politics. In today's world, politics has run into many difficulties, of which the most serious is the domination by one form of legitimacy alone. The Way of the Humane Authority requires the simultaneous operation of three forms of legitimacy, their mutual equilibrium and a refusal to allow any one to exclude the others or become unrestrained. Each one may exert its proper value only within the balance of all three. Equilibrium of legitimization is the means to resolve the tendency toward extremism in legitimacy of contemporary politics. In this sense the Way of the Humane Authority surpasses democracy. Contemporary politics will find in it an ideal and hope for political development.

IMPLEMENTATION OF THE WAY OF THE HUMANE AUTHORITY

The fundamental principle of the equilibrium of legitimacies of the Way of the Humane Authority has already been laid by the ancient Chinese sages. Yet the implementation of this equilibrium depends on, and adapts to, the concrete circumstances of each period of history. In practice, Chinese history has posited monarchy as the form of implementation, and so the equilibrium has been realized only under monarchy. Within this system, Confucian sages proposed a number of methods of implementation, such as establishing six offices modeled on heaven,¹⁵ the three dukes,¹⁶ the Bright Hall,¹⁷ training of the crown princes by the Chief Tutors and court lectures on the classics,¹⁸ the keeping of historical annals,¹⁹ the performing of sacrifices at altars of state,²⁰ the presentation of popular opinion through poetry, choosing the worthy and capable, discussion by all ministers, petitions from the ministers of state, ruling according to the classics, making Confucianism the state religion.

Today historical circumstances have changed greatly. China's old system of government has collapsed, and a new system has not yet been established. History stands open. It is a time that calls for great political creativity. It is a time of trial for the creativity of Chinese culture. Every Chinese who is concerned for China's political development and the revival of her culture is faced with the problem of implementing the equilibrium of the three legitimacies entrusted to us by our sages. A new structure of implementation is a complicated, detailed affair, requiring much reflection and giving rise to controversy. This section tries to outline what should be done so as to encourage people to talk about it such that together we can all assist in the creative progress of Chinese culture.

Within a constitutional framework, the Way of the Humane Authority proposes a parliamentary system. The executive is produced by the parliament and is responsible to the parliament. The parliament has three houses, each one representing one of the three kinds of legitimacy. The three are the House of *Ru* (*Tongruiyuan*), which represents sacred legitimacy, the House of the People (*Shuminyuan*), which represents popular legitimacy, and the House of the Nation (*Guotiyuan*), which represents cultural legitimacy.²¹ The Scholars (*Ru*) are chosen by recommendation and nomination. The People are chosen by universal suffrage and by election from functional constituencies. The members of the Nation are selected by hereditary criteria and by assignment.

The leader of the House of *Ru* is a great scholar proposed by the Confucian scholars. He serves for a long-term mandate of fifteen or twenty years. If unable to attend he may send a delegate to deal with affairs of the House. Members are recruited in two ways. The first is that scholars among the people propose candidates. The second is that the state establishes a Confucian Academy that prepares scholars conversant in the *Four Books* and the *Five Classics*. Following examinations in the relevant topics and after a trial period in administration, they will then be assessed on their learning, practice, ability, and knowledge and assigned to the parliaments at the levels of the state, the province, or the city or county. The norms for choosing them and the way of doing so may follow the examination or recommendation systems used in China in the past.

The members of the House of the People are chosen according to the norms and processes of Western democratic parliaments.

The leader of the House of the Nation is to be a direct descendant of Confucius.²² If he is unable to be present he may also assign a deputy to chair the assembly.²³ He personally selects the members of the House from among the descendants of great sages of the past, descendants of the rulers, descendants of famous people, of patriots, university professors of Chinese history, retired top officials, judges, and diplomats, worthy people from society, as well as representatives of Daoism, Buddhism, Islam, Tibetan Buddhism, and Christianity.²⁴

Each house has real parliamentary power, and a bill must pass all three, or at least two, of the houses to become law. The head of the executive and the chief justice must be chosen by the consensus of all three houses.

The House of *Ru* enjoys a permanent power of veto. A bill, such as one permitting homosexuals to found a family, that passes the House of the People but is against the Way of heaven will be vetoed by the House of *Ru*. Likewise, a bill that may be good for the Way of heaven and that passes

the House of *Ru* will be only a weak bill if it fails to win the support of the People's House. If both the People and the House of the Nation are opposed, then the bill will not pass into law. Such bills are like those of Western Green Parties, which are too progressive and ahead of their time. If a bill passes in the People's House but fails in the House of the Nation, then it can become only a weak bill. Should both the Nation and the *Ru* oppose it, then it will not enter into law. Bills that will fail in this way are those asking for a referendum to change the name of the state, the national language or religion, and any separatist bills.

Since each of the houses has the power to pass laws and make decisions about the real powers of the head of the executive and the chief justice, the three forms of legitimacy realize the three-dimensional system of restraint at the level of implementation in their vertical interdependence and in their horizontal specificity. The priority of sacred legitimacy is expressed in the veto power exercised by the House of *Ru*, but each form of legitimacy, each house, has its own place and may not interfere in the running of the others or exalt itself at their expense. Hence the tricameral system enables each form of legitimacy to cooperate with the others and to restrain them when necessary. Each also wins the recognition of the others and does not interfere in their legitimate proceedings. For instance, even though the Scholars have veto power, if they propose a bill restricting religious freedom, the People and the Nation will oppose it and it cannot become law. This shows that the latter two houses exert their balancing and restraining role. Hence, the three-dimensional equilibrium ensures that the House of the Scholars has no priority among the houses such that it could dominate the legislative process.²⁵

CONCLUSION

The Way of the Humane Authority provides three kinds of legitimacy and ensures that, in both legitimization and implementation, the three are combined in a three-dimensional format, which guarantees their individual distinction and yet maintains their mutual equilibrium. The Way of the Humane Authority is, therefore, superior and better than democracy or theocracy. China's ancient sages have already established the eternal and unchanging principle of legitimization. Our duty today is to put that eternally valid norm into practice at the level of implementation. This mission is out of the ordinary, difficult, and complicated and may require several generations to be accomplished. The Way of the Humane Authority is the best possible form of government that human beings have ever

invented. Even though we have not yet been able to create a satisfactory system of implementation—it requires a long period of hard thinking and also the right historical conditions—we can categorically affirm that political development of China today must tend toward the Way of the Humane Authority. This will not only solve China's political problems but also give humanity a new ideal and open a new way ahead. This is a test of the creative wisdom and creative ability of the Chinese people and also a contribution that Chinese civilization has to offer to human civilization.