1. Introduction

When the great minds meet, they always give vigorous yet brilliant sparks, and today’s meeting of Huang Zongxi (or Huang Tsung-his) and Jean-Jacques Rousseau is no exception. Coming from very distinct backgrounds, Huang and Rousseau each holds a different view on the legitimacy of government, as manifested in their respective masterpiece *Waiting for the Dawn* (《明夷待訪錄》) and *The Social Contract, Or Principles of Political Right*. After addressing and comparing their political ideas on the issue (Part 2), an accusing finger is pointed at each other’s ideas for paving the way for dictatorship (Part 3), demonstrating an immense clash between ideals and reality; that is, how idealistic theories could result in unintended, varied consequences when put into actual application in reality, as we shall see.

2. Background and Political Ideas of Huang and Rousseau on Government Legitimacy

To begin by defining the topic’s keyword might be a useful, straightforward way to approach a problem in some cases, but perhaps not in this
case where the keyword “government legitimacy” has subjective definitions in plural, for Huang and Rousseau have different ideas on the issue.

Although Rousseau describes legitimate rule as when “men being taken as they are and laws as they might be” (9), and explicitly describes rulers as employed “mere officials of the Sovereign” to promote the rule of and by the people, Huang’s idea on the legitimacy to rule is less obvious. However, firstly, we might get some hints by referring to their related ideas about the transition from their states of nature to idealistic societies.

On the one hand, in Huang’s state of nature, everyone independently seeks only for his particular good, leaving the common good unpursued. The transition facilitator is the Emperor, someone who stands out to pursue the common good without considering his own particular good, with “overwhelming diligence” when compared with others. Ultimately, with such a virtuous Emperor of morality being the guest and the people being the host, society may attain its ideal state of peace and stability (Zhishi) where the people are happy.

On the other hand, in Rousseau’s state of nature, everyone is aggregated but unassociated and enjoys natural liberty “which is bounded... by the

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1 “It is simply and solely a commission, an employment, in which the rulers, mere officials of the Sovereign, exercise in their own name the power of which it makes them depositaries” (49)
2 Original Text: “In the beginning of human life each man lived for himself and looked to his own interests. There was such a thing as the common benefit, yet no one seems to have promoted it (Waiting for the Dawn 91). In Chinese, the word “each” (ge 各) implies also “independently”. The character 各 carries 口 as its radical along with 夠. 夠 in its Bronze-script depicts a foot that has arrived and stopped, while 口 depicts a mouth. According to Shuo wen jie zi 説文解字 [The Analytical Dictionary of Characters], it means to halt in movement without listening to each other. Original reference in Shuo wen jie zi: “異辭也。从口夂。夂者，有行而止之，不相聽也” (“ge”; Chen Zhichang’s 陳昌治 edition); “異敎意。各敎言也。从口敎……敎者，有行而止之不相聽意” (“ge”; Duan Yucai’s 段玉裁 edition).
3 “Then someone came forth who did not think of benefit in terms of his own benefit but sought to benefit all-under-Heaven... Thus his labors were thousands of times greater than the labors of ordinary men (Waiting for the Dawn 91).
4 “... all-under-Heaven were considered the master, and the prince was the tenant” (92).
strength of the individual” (22) that arbitrarily follows instinct, with actions aiming for his particular good rather than the common good. Out of rationality, Rousseau advocates that “each of us puts his person and all his power in common under the supreme direction of the general will, and, in our corporate capacity, we receive each member as an indivisible part of the whole” (18–19), while “whoever refuses to obey the general will…will be forced to be free.” (22) Thus, through the establishment of the social contract and the general will, the idealistic civil state is attained, where everyone enjoys civil liberty guided by the general will (22).

Note that we used “their states of nature” instead of “the state of nature”. The two states of nature may not be identical. In comparison, Huang’s state of nature is a more “civilized” phase than Rousseau’s: Huang has not mentioned the existence of contradiction between people’s independent pursuit of their particular good and the common good (but such contradiction exists for the Emperor). Thus, being able to live independently without getting associated and without contradictions, unlike in Rousseau’s model, the people in Huang’s, relatively speaking, are not as “urgent” to transit away from the state of nature, and the transition facilitator (the Emperor) can be seen as an additional “bonus factor” that adds to the people the pursuit of the common good. Hence, the only “purpose” of the Emperor is to pursue the common good for the people.

To Rousseau, while “force does not create right” (13), the sole source of government legitimacy is the general will, which “must be general in its object as well as in its essence” and “[t]he undertakings which bind us to the social body are obligatory only because they are mutual” (29; italic mine).

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5 “Thus he who does the greatest harm in the world is none other than the prince. If there had been no rulers, each man would have provided for himself and I looked to his own interest” (Waiting for the Dawn 92).
The rule of law must apply to all equally. As factions and representation would mean distortion of the general will, “there should be no partial society within the State” (28), and the general will should be reflected via direct democracy, through which the consent of all the governed would result in legitimacy.

The two also hold different views on laws. Despite Huang’s notion that “good laws exist before good governors”, his ideal laws appear to be “ancestral laws” that were “for the people”, improving their quality of life to attain his ideal state of peace and stability. Moreover, these “ancestral laws” are made by ancient saints, and hence legislation is unneeded, or at least takes them as the blueprint. Yet, it is important to note that complying with such laws does not necessarily legitimize a ruler, since whether the “ancestral laws” are themselves legitimate is open to question; and, strictly speaking, government efficiency does not necessarily imply government legitimacy. Moreover, under strong Confucian influence, Huang seems to carry the concept of the Mandate of Heaven (Zuoming), whereas Rousseau stresses on laws’ expression of the general will to lay the foundation of legitimacy.

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6 “...only when we have governance by law can we have governance by men” (99).
7 The “Law of the Three Dynasties” (97–98).
8 “This constituted Law until the end of the Three Dynasties. It was never laid down solely for the benefit of the ruler himself” (91).
9 “... the Two Emperors and Three Kings knew that all-under-Heaven could not do without sustenance and therefore gave them fields to cultivate. They knew that all-under-Heaven could not go without clothes and therefore gave them land on which to grow mulberry and hemp” (91).
10 “Whether there is peace or disorder in the world does not depend on the rise or fall of dynasties, but upon the happiness or distress of the people” (95).
11 See Huang Zongxi, Mengzi shi shuo 孟子師說 [Mencius Explained by My Master]: “The Sages see far and make deep considerations, thus [the legal foundations laid by them] should not be altered” (Book 4; my translation). Original text in Chinese: “聖人明見遠，慮患深，蓋不可以復加矣”.
12 “Later rulers, once they had won the world, feared only that their dynasty’s lifespan [original text in Chinese: 賜命] might not belong” (Waiting for the Dawn 97; interpolation mine).
3. The Debate: Paving the way for Dictatorship?

The above are idealistic situations from both philosophers; when they are applied to reality, will varied consequences result, be it intended or not, that may pave the way for dictators to legitimize their rule? Now, effective evaluation would require a “ruler” as the benchmark. As a reference, to “pave the way for” is to “create the circumstances to enable (something) to happen or be done,” (Oxford Dictionaries) or “to make it possible or easier for someone or something to follow.” (Cambridge Dictionaries).

At once, the sword is pointed at Huang’s fantasy for a virtuous saint-like Emperor who judges what is good for the people. Three questions arise: (1) In Huang’s mechanism of throne-passing (or Mandate-of-Heaven-passing), the existing Emperor decides who the next Emperor will be, based on virtues. What possible consequences may result from this view of legitimacy? (2) If morality and virtues are not easy to be assessed, are these criteria reliable to pick the legitimate ruler, especially when Huang himself acknowledged the problem with human nature? And (3) does Huang’s perception of law have misleading implications of taking legality as legitimacy and pave the way for dictatorship?

Indeed, to a dictator, nothing is more convenient than claiming to be God’s agent (or God’s son, 天子), or claiming to be “for the people”, to legitimize his rule with divinity. There is simply no room for argument whether one has the Mandate of Heaven, first used by King Wu of Zhou (周武王), which infallibly takes the effect for the cause as fate. Morality and virtues are perhaps the most important elements for a ruler of efficiency, but

13 “Now to work a thousand or ten thousand times harder without benefiting oneself is certainly not what most people in the world desire . . . . To love ease and dislike strenuous labor has always been the natural inclination of man (91)
14 Ruler of efficiency ≠ Ruler of legitimacy.
they are unfortunately difficult to be assessed, just as difficult as judging the possession of the Mandate of Heaven. Thus, such a view of legitimacy to rule is extremely prone to dictators’ abuse.

The possession of throne-passing power by the current ruler can also be problematic. One similar application is former PRC President Jiang Zemin’s “retirement” in 2002, apparently having handed over the seat to Hu Jin-tao, while retaining military powers until 2004 and sitting in the same row with contemporary government leaders in various congresses with undiminished influence and power behind the curtain for a decade. The example demonstrates the possibility of power abuse by the ruler who may conditionally appoint the next ruler in exchange for grasping other powers or retaining part of his current powers, via negotiations and collusions under the table. Is such succession of power legitimate, and can this view be easily abused by dictators to legitimize their rule?

As aforementioned, Huang takes the “ancestral laws” as the constitution, and efficiency is not a synonym of legitimacy. Although Huang seems to advocate the rule of law and the usage of laws to limit the powers of the Emperor, the actual effectiveness of such laws in limiting the Emperor’s divine and royal power is doubtable, for when his morality diminishes, he will very likely become the elucidator or interpreter of laws, accompanied by the right to appoint the successor of his throne. If abused, such laws would only enable the dictator to “rule by law” while superficially legitimizing his dictatorship in complying with the laws, misleadingly. An example could be the dictating body of PRC, which is certainly legal according to their laws, while legality does not necessarily imply legitimacy.

15 Same as 6.
16 “If men were of the right kind, all of their intentions could be realized; and even if they were not of this kind, they could not slash deep or do widespread damage, thus harming the people instead of [of benefiting them] (Waiting for the Dawn 99; interpolation from original translation).
The general will, in Rousseau’s model, is the foundation of legitimacy; complying with the general will implies legitimacy. In actual application, however, how can one prove whether the government is complying with it? Rousseau’s theoretical answer is voting, through direct but not representative democracy. But in real practice, who will be setting the voting agenda and questions, for prior screening and sieving procedures might render the voting pointless? Then, would this idea be easily abused by dictators who may elucidate the “general will”, just like the law interpretations mentioned last paragraph, to legitimize his dictatorship? One abusive application in reality could be, again, PRC’s constitution statement of “people’s democratic dictatorship” (Constitution of the People’s Republic of China, Ch. 1, Article 1), which allows the government to claim legitimacy with the dictating party representing the “general will”. Of course, in Rousseau’s theory, the general will cannot be represented by other entities, and the general will is incompatible with any particular will, but it may create the circumstances for dictatorship in reality where the general will may not be as definite.

Although in Rousseau’s model the government consists of “mere officials of the Sovereign” and should only administrate in accordance with the general will, it still holds considerable powers. The general will only outlines the bigger picture and the general direction for the government (29), but the way of execution is in the government’s hands, which may not comply absolutely with the general will in reality, and Rousseau acknowledges this.17 Plus, the people may not be as “rational” as assumed in theory, hence whether

17 “As the particular will acts constantly in opposition to the general will, the government continually exerts itself against the Sovereignty. The greater this exertion becomes, the more the constitution changes; and, as there is in this case no other corporate will to create an equilibrium by resisting the will of the prince, sooner or later the prince must inevitably suppress the Sovereign and break the social treaty.” (69)
the general will does exist in reality is questionable, and whether a voting has really reflected the general will is difficult to define. One example would be the German people’s support of the dictating Nazi that led to devastating catastrophe where “the devil is profound” and “knows only the spirituality of egotism”, showing much colors of particularity and irrationality (Rawls 218).

Unanimity, which is required to form the general will in Rousseau’s theory, including his proposal for maintaining it with censorship and dissension suppression,18 is as well prone to dictators’ utilization. Notorious examples of such involve the abuse of secret police, including *Jinyiwei* (錦衣衛) during Ming Dynasty and Soviet KGB during the Cold War, to “encourage” unanimity. Hence, with Rousseau’s theory applied, legitimacy brought about by the general will may pave the way for dictatorship and cost us dear.

4. Conclusion

Both Huang’s and Rousseau’s theoretical ideals, of course, are benevolent for the sake of the people’s common good, approached in different ways notwithstanding. In summary, Huang’s legitimacy ideal hinges on the ruler’s morality and virtues, with legitimacy sourced from the Mandate of Heaven, and executed in accordance with the ruler’s own will; while Rousseau’s legitimacy ideal hinges on the ruler’s compliance with the general will, with legitimacy sourced from the people, and executed in accordance with the general will.

Thus, in their ideals, although the idealistic Emperor in Huang’s model is virtuous enough to forgo his particular good for the common good in

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18 “The nearer opinion approaches unanimity, the greater is the dominance of the general will. On the other hand, long debates, dissensions and tumult proclaim the ascendancy of particular interests and the decline of the State” (85).
making decisions, such decisions are guided by his own will for the people, and the people played an absolutely passive role, as opposed to Rousseau’s model where decisions were guided by the general will of and by the people via voting, and the people are obligated to obey their government complying with the general will. From this perspective, good intention is good, yet shared intention is better—Rousseau’s model would be more legitimate in ideals and theory.

Even in theory, Huang appears to advocate “benevolent dictatorship”, which, however, is literally a form of dictatorship. Thus we can say Huang’s theory supports dictatorship, albeit with good intentions. Rousseau’s theory supports “collective self-rule”, taking the consent of all the governed and their obligation to obey as the source of government legitimacy, via law’s expression of and government’s compliance with the general will. As we have discussed, it is noteworthy that despite Huang’s emphasis on the attainment of the ideal state of peace and stability which is measured by people’s happiness, and using (illegitimate) “ancestral laws” as the constitution, both government efficiency and legality do not necessarily imply government legitimacy in the modern sense.

In general, the possible deviance and difference between ideals and reality, which are often in clash, must not be overlooked. Huang’s reliance on the ruler’s virtues, and the requirements needed for the establishment of the general will in Rousseau’s model, are either too idealistic for application, or too subjective and vague to be assessed which can give rise to assertive elucidators. Dictators may claim legitimacy with Huang’s model by keeping the country peaceful and prosperous and “sincerely” being “for the people”, or claim legitimacy with Rousseau’s model by claiming compliance with the

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19 Same as 11.
general will (as applied in today’s PRC both ways, sadly and bitterly). Hence, when applied in reality, both streams of ideas can create the circumstances to enable, or pave the way for, dictatorship, regardless of the philosophers’ good intentions in writing their masterpieces.

Works Cited


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Teacher’s comment:

The essay of Mr. Wu demonstrates the qualities that a good argumentative essay should possess. First, the first two paragraphs of the essay clearly outline the definitions of the topic and the scope of discussion. Secondly, when the writer argues that the theories of Huang Zongxi and Jean-Jacques Rousseau would lead to dictatorship, he has responded to several possible counter-arguments. Thirdly, plenty of real-world examples are used to support and strengthen the arguments. Such a good performance is indeed rarely seen in the work of a second-year undergraduate student. Nevertheless, although the conclusion of the essay highlights the problems shared by the theories of both Huang and Rousseau, the essay does not give adequate attention to the question of which theory is more “reasonable”. The essay also emphasizes too much on describing and analyzing these theories, yet too little on giving the author’s own opinions. Should Mr. Wu make more efforts on expressing his own point of view, this article would definitely be a better commentary on classical texts. (Kwok Pak Nin Samson)