Public and Private in China and the West: A Preliminary Observation on the Interaction between Semantics and Societal Structures

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Abstract:

Historical semantics or concepts were not only indicators that responded and reflected the structures of the contemporary society, but were also factors that could intervene in the social realities and influenced the direction of structural transformation. This paper aims at a clarification of the similarities and differences between Chinese and Western traditions with regard to the distinction of public and private. Taking into consideration both semantics and structures, this paper attempts to demonstrate not only the complex interactions between semantics and societal structures, but also the fact that we cannot grasp semantic or conceptual differences properly unless we take into account the different types of structures (forms of system differentiation) as well as the different historical trajectories of Chinese and the Western societies.

Keywords:
public/private, state/society, semantics/societal structure, public sphere

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I. Approaching the issue from the perspective of operative constructivism

Historical semantics or concepts were not only indicators that responded and reflected the structures of the contemporary society, but were also factors that could intervene in the social realities and influenced the direction of structural transformation (Koselleck, 1979; 1985; 2002; Tang, 2009). This paper aims at a clarification of the similarities and differences between Chinese and Western traditions with regard to the distinction of public and private. Taking into consideration both semantics and structures (Luhmann, 1980; Stichweh, 2000), this paper attempts to demonstrate not only the complex interactions between semantics and societal structures, but also the fact that we cannot grasp semantic or conceptual differences properly unless we take into account the different types of structures (forms of system differentiation) as well as the different historical trajectories of Chinese and the Western societies.

In attempt to reconstruct Chinese and the Western traditions, I adopt the approach of operative constructivism developed by Niklas Luhmann (1988; 1994b; 2002: Chap. 3, 6). Luhmann's insight is that observation is only possible if the observer makes first a distinction. Only by making a distinction can an observation indicate something and obtain information. It thus follows that every social operation (namely every communication) is a construction, for its happening always depends on an observation by some observer. All social realities, including social structures[1] that guide the social operations, are produced by these operations themselves.

The focus of this paper is to investigate how the indication of public was used in the past, namely to observe how people observed with the "public/X" distinction.[2] By way of such a second order observation of the indications "public" together with the distinctions that these indications assumed, this paper aims at clarifying the logic behind these indications and their relation to contemporary societal structures. It is therefore important to distinguish the semantics from the societal structures, as well as to distinguish an observer's observation (factual description) from an actor's

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[*] This paper is an abridged and revised English version of my earlier studies (Tang, 2004c; 2004d).

[1] A point which I must stress but can not elaborate here is that all social structures (including their subtype societal structure) are nothing but structures of expectations (Luhmann, 1985: Chap. 2; 1995a: Chap. 8).

[2] X means here the unmarked state (Spencer Brown, 1979), namely the uncertain other side that is distinguished from the public as the marked state. It can mean all things other than the public. But it is more often occupied by an antonym of public, e. g. private, secret or governmental (cf. Weintraub, 1997: 4).

observation (normative anticipation). This separation must happen because it is possible for the semantics to function itself as a structure, e. g. the public/private distinction regulated institutions, practices, activities and aspirations (Benn & Gaus, 1983: 5-6). In fact, the boundary between public and private varied with time and place and the act of drawing such a boundary often involved a power struggle (Fraser, 1993: 21-22; Robbins, 1993: xv-xvi). This indicates the changeability of the structure and the fact that this change was often pioneered or guided by a symbolic struggle over the semantic definition (cf. Pateman, 1983). The operative constructivism gives us a dynamic view that would not confuse the stabilized structure (the old connotation of a concept or semantics) with the ongoing process of change (the newly ascribed connotation of the concept or semantics).

II. The Western historical experience

1. The classical antiquity: citizenship and sovereignty as two notions of public

1) *Polis/oikos* and public/private

A discussion of the "grand dichotomy" of public and private (Bobbio, 1989: Chap. 1) must begin with Ancient Greece. The Greeks made a distinction between *polis/oikos* (city/household), which reflected the contemporary societal structure. The *oikos* belonged evidently to the private realm, because, according to the Hellenic idea, anything which could be separated distinctly would be called "private" (*ἰδιον*). However, like the *polis*, the *oikos* was a community (*χοινωνία*) too (Hölscher, 1978; Riedel, 1975b). It was private in contrast to the *polis*, but there was not only a continuum between *oikos* and *polis* (in between: village, phratry), but also a unity: through recognition of paternity a legal citizen acquired "a city, possessions and a father" (Sissa, 1996: 201).[3] Actually, it was a Roman invention that opposed public and private (Saxonhouse, 1983).

The primacy of the *polis* over the other communities was neither natural nor evident. Due to wars, there was a strong tension between *oikos* and *polis* despite their interdependence. They were juxtaposed and did not transform into a hierarchy until Aristotle coined the term "*koinσnia politikē*" (political community) to indicate the *polis* (Riedel, 1975a; Saxonhouse, 1983). His famous saying that "man is a political animal" means nothing but that man could only and was destined to live in a *polis*.

[3] Therefore, it is an anachronism to understand the Hellenic distinction public/private from the modern perspective of the distinction society/individual.

2) *Pars pro toto* and the forerunner of the state/society distinction

The societal structure of *polis* and *oikos*, as well as the semantics of "political community" had far-reaching effects. On the one hand, it laid a foundation for the correspondence between public/private and politics/economy (and later: state/(civil) society), and, on the other hand, opened the European tradition to conceive of the society according to the logic *pars pro toto*. Aristotle's *The Politics* defined the *polis* (i.e.: political community) as the most sovereign community that included all other communities. The political system enjoyed not only an ontological and ethical primacy, but was also the representation of the "society". The political covered everything. People could not escape the limitations of this thinking until the rise of "the social," or the functional differentiation in modern times (Luhmann, 1968; 1975: 72-102; Melton, 1991).

It should be noted that humans praised the *polis* because it realized an association among equals and a realm of freedom that escaped the necessities of life. But the primacy of the *polis* presupposed exclusion—the exclusion not only of slaves and women, but above all the *oikos* (household as private realm).

3) Two traditions of politics as the public

It was common for people to associate the public with politics, state, or even the ruler, no matter how a civilization defined public, for public affairs could not but have to do with politics. Among this commonly held view, the Hellenic tradition made a distinguishable and invaluable contribution because it took the free and equal citizen as the starting point of political public life. As Hannah Arendt put it, "To be political, to live in a *polis*, meant that every thing was decided through words and persuasion and not through force and violence," (1958: 26).[4] The ancient Greeks built a tradition that understood the politics as citizenship. According to this tradition, politics means "a world of discussion, debate, deliberation, collective decision making, and action in concert" (Weintraub, 1997: 11).

Besides the Hellenic "autonomous", self-governed polis, we can find a similar tradition that emphasized the self-determination of citizens in the Roman "Republic" (*res publica*, the public). However, the fact of exclusion in the Hellenic *polis* indicates clearly that the working of politics as collective self-determination is conditional. The

[4] Although Arendt's exclusion of violence from the political is somewhat idealized, it is true that the political is more about power than violence. Power can work as a "symbolically generalized communication medium" because it has at most times only to do with the "symbolic" use of violence. The direct use of physical violence eliminates the degree of freedom of communication (Luhmann, 1979: 146-152; 1981: 228-244). Arendt's contribution consisted in the emphasis on the political aspects of autonomy, imagination, participation and empowerment (Benhabib, 1992: 81).

reality of decision through persuasion demanded many supporting conditions.

It is therefore not surprising that this tradition of politics as public (citizenship) often gave way to another tradition of politics as public (sovereignty), as the transformation from the Roman Republic to the Roman Empire showed. Commenting on the connection between politics and public, Jeff Weintraub (1997: 12) stressed, "the most common pattern is for political thought to take one or another form of monarchy as its main point of reference; and the notion of politics centered on the model of sovereignty accords with this general tendency".[5]

4) Sovereignty narrowing the understanding of politics

The transition from the Roman Republic to the Roman Empire embodied not only a structural transformation but also a semantic change. The most far-reaching effect of the Roman tradition was "the notion of *sovereignty*: of a centralized, unified, and omnipotent apparatus of rule which stands above the society and governs it through the enactment and administration of laws. The 'public' power of the sovereign rules over, and in principle on behalf of, a society of 'private' and politically passive individuals who are bearers of rights granted to them and guaranteed by the sovereign" (Weintraub, 1997: 11).

The distinction of *publicum jus/privatum jus* has exercised an influence over society up to today (Tay & Kamenka, 1983). Due to this Roman tradition people have been accustomed to see the state (as administrative apparatus) identical to "political" and "public" authority. In contrast to the experience of *polis* or republic, a very different understanding of politics emerged here, even though "political" stayed as "public." Politics—the legitimate decision-making that had a collective binding effect through participation among equals—was narrowed down to administration or government.

2. The Middle Ages: the intertwinement of public and private in feudalism

1) The decline of the political-public realm and the rise of the religious-public realm

The collapse of the Roman Empire (especially the Western Roman Empire) created overlapping sovereignty. The rise of a feudal system brought about great changes in the distinction between the public and the private realms, and led to their

[5] In a sense, politics could not be differentiated from other dimensions of social life until the rise (or in German: Ausdifferenzierung) of the state. It is no accident that people held a state-centered perspective on the constitution of political community (Calhoun, 1993: 270; Luhmann, 1990a: 117-154; 1994a: 67-73; 1995b: 101-137).

intertwinement. The semantics of the political community as the most encompassing system did not disappear, but confronted on both the structural and semantic level a challenge and a competition from the religious community. The Catholic Church offered men in a sense a substitute for the citizenship in the classical antiquity. And the secular realm was totally a private realm, as Arendt (1958: 34) said: "Its hallmark was the absorption of all activities into the household sphere, where they had only private significance, and consequently the very absence of a public realm."

At the same time, the fragmentation of sovereignty meant the privatization of law. People were now subject not to one law but to many laws, and they were governed by overlapping or complementary authorities. All law was private and particular (Tay & Kamenka, 1983). As a result, the public realm, especially the political-public realm, declined and collapsed into the private realm.

2) Public and private from the perspective of sociability

The notion of public that had to do with politics was not the only standpoint, however. In terms of the properties of the public, such as visibility, collectivity and accessibility, people could also understand public from the perspective of sociability as public life and define the public realm more loosely as a sphere of fluid and polymorphous sociability (Benn & Gaus, 1983: 7-9; Weintraub, 1997: 5). This is the third model of the public/private distinction that Weintraub (1997) summarized from the Western tradition.[6] If we look at it from this position, which was put forth by Ariès (1962; Ariès & Duby, 1998) and Sennett (1977), we see a similar but in the end different picture.

Architecture offers an interesting contrast between the Hellenic tradition of citizenship and the Roman Empire's authority. The ancient Greeks preferred not only theaters opened to the public, but also tended to build temples like the Parthenon, which could be seen from every corner of the city. In comparison to such visibility, people could see only the façade of the Roman Pantheon. The Roman "public" forums were centralized with the transformation from republic to empire, and became a ceremonial space to exhibit power and authority instead of a space for citizens' public life. The glorious "public" architecture shaped only one impression: to see was to obey (Sennett, 1994: Chap. 1, 3).

Besides this similarity, this model also highlights a significant difference, a continuity between the ancient times and the Middle Ages: the family and intimate

[6] Although this model is that of modern scholars, we cannot assert that contemporary actors were neither conscious of nor used this distinction. From the perspective of operative constructivism, to claim this distinction as "real" in spite of the absence of the term public or the distinction public/private in the transmitted texts is defensible, as long as such structures gave the actions an orientation.

relations were not privatized in the ancient times and in the Middle Ages — there was no clear separation of the intimate private realm from the impersonal public realm before the coming of modern societies (Weintraub, 1997: 18).

3) The mixture of public and private: the religious realm and the city

Under feudalism, public and the private realms were mixed and complicated. Tay & Kamenka (1983: 69-70) have pointed out that Roman private law was more universal because it was required to be applied to foreigners who traded with Romans. As opposed to private law's emphasis on universality and equality, public law was concerned with elevating and exempting; it gave the state a privileged position and treated the parties according to their standing and authority. The *Gemeinschaft* character of feudalism gave all private relationships a public character. The feudal compact was nothing but a voluntary agreement between independent legal persons, so that political authority and obedience was built on a basis of private law. In this situation, it made no sense to distinguish sovereignty and dominion over property (especially the domain as power base) (see Habermas, 1989: 5-12 too).

Seen from another perspective, the invasion of "barbarians" meant an invasion of the private dimension into the state and into public affairs. The republic—namely the public thing (*res publica*)—was a notion requiring a certain capacity for abstraction and was incomprehensible to "barbarians." They did not appreciate public security and common wealth as stressed by the Roman tradition, but rather valued only private interest. This then led to privatization not only in the political realm but in every realm (Rouche, 1987).

The community had a public character and was not easy to destroy, however. When Catholicism took root in local communities after the collapse of the Roman Empire, it made use of "food and drink" (festivals), to both create Christian communities by replacing traditional local beliefs, and to fill the realm of public activities that became void with the fall of traditional beliefs (Effros, 2002). Consequently, there was an intersection between the public/private distinction and the temporal/spiritual distinction (Been & Gaus, 1983: 19-20). For mountain villagers in Medieval Western Europe, Mass became a public realm and the most important site of social intercourses. All villagers, including the pagans, participated this ceremony. Death created a situation for eating, drinking, chatting, and praying together among kin, friends, and neighbors (Le Roy Ladurie, 2001: Chap. 17; Sennett, 1994: 170).

Given that feudal society was not a collection of individuals but rather a system of partial interests and estates, all relationships were both private and public (Tay &

Kamenka, 1983: 70).[7] Le Roy Ladurie's study of cliques in the Montaillou confirms this (2001: Chap. 17). According to Luhmann's (1997a: 678-706) systems theory, the primary form of system differentiation of feudal society was stratification. This made it an order of families and not individuals. Personal interactions took place in principle within the same stratum (this is leaving the households of the upper ranks out of consideration). The upper ranks reproduced this stratified order by creating a ubiquitous perception of difference (e.g. by clothes).[8] Interaction within the same stratum had both public and private properties. Simultaneously, there was no public realm that crossed different strata. Religious activities made the only exception. This was one of the reasons why religion could constitute a peculiar, independent realm outside the political realm.

Cities as a type of "non-legitimate domination" (Weber, 1978) constituted another autonomous realm that escaped the rule of the monarch. They exercised an important influence on the development of societal structures by opening up a public realm outside the household. Their spatial developments reflected an undermining of the state as a public authority as well as the narrowing and fragmenting of the city's public space. The original Roman grid had been cracked by the growth of cities and new, private ways of land using, and splintered into disconnected bits and pieces. Nevertheless, this "natural" development, driven by real economic and social life, symbolized the economic function of cities overrode more and more their political function. Economics began to play just as large a role as politics and religion and thus pave the way to the formation of the bourgeoisie and the development of capitalism (Sennett, 1994: Chap. 5; Qi, 1985).

3. Transition to the modern: the emergence of "society" and the "public sphere"

1) The polarization of impersonality and privacy under the scheme individual/society

Freed from the binding of the community, people now encountered strangers and not just acquaintances, which led to a search for individual freedom (Sennett, 1994: 159). Here arose the modern opposition of individual and society. Correspondingly man began to attribute the personal to the private realm and to classify the impersonal to the public realm. This developed increasing polarization. One pole was the impersonal, instrumentalism oriented public realm. The other pole was the private realm of intimacy and intense emotionality. In the public realm of the metropolis that

[7] Even in the home, public and private was mixed. There was no privacy, for individuals did not have their own rooms (Sennett, 1994: 45).
[8] Le Roy Ladurie (2001: 437f.) also mentioned that the culture in Montaillou was produced and spread by means of a local rank structure in social interactions and depended little on books and writings.

embodied this tendency, people were in a state of "homeless mind," expressing themselves in an indifferent and estranged way. By contrast, the private realm still kept the customs of the original "community" life. Man even conceived of or highlighted the family or home as a refugee of life and emotion (Berger, Berger & Kellner, 1973; Fu, 1995; Habermas, 1989: 151-159; Weintraub, 1997: 20-21).

However, as Allan Silver (1997) in his study about the Scottish Enlightenment points out, the personal private realm was not a survival of earlier historical periods, but formed with the impersonal and instrumental "public" realm (whose typical representative was the market that would de classified as "private" realm in another framework of public/private distinction). They evolved together.[9] The Scottish philosophers no longer recognized the commercial society from the perspective that personal relations were "contaminated" with instrumentalism. Rather they "purified" the personal relations by clearly distinguishing friendship from the calculation of utility, by distinguishing sympathy from orientation of instrumentalism. The contrasting reference was the traditional attitude of exclusive solidarity that treated strangers and foreigners differently. In the "commercial society" strangers became the value-neutral others rather than suspectable, hostile objects. Man could interact with them simply according to the principle of instrumentalism. According to these philosophers, this new type of personal relations would contribute to the integration and organization of the "civil society". By this way individuals could be linked to successively more inclusive but less intense groupings.

2) The differentiation between the political and the civil

The public sphere discussed by Jürgen Habermas (1989) has only recently come into our field of vision. This specific historical product appeared in a period of the emergence of "the social," and above all the formation of modern societies. What attracted the Scottish philosophers to discuss the issues of commercial society and civil society was the remarkable process of the differentiation of economy from the rest of society to be a realm with its own dynamics and laws. This was exactly the historical background that detached "the civil" from "the political," so that civil society was no longer synonymous with political community (Ku, 2002; Riedel, 1975a; Taylor, 1990).

[9] A fourth model, set forth by Weintraub's (1997), and advocated by many feminists, stresses that the market economy was the paradigm of the public realm and the family was the private realm. This proposition aimed at a re-shaping of the societal structure, but at the same time it could be seen as a response to the structural change of society. In fact, many feminists reject the claim that family belonged to the private realm in which the state could not intervene. Both sides have taken the same historical background for granted and have only emphasized different aspects of the same circumstances.

Although Adam Ferguson, who first promoted the term "civil society," used this term in reference of evolution from savage to civilization, the later development understood this as an autonomous realm outside of the political (in the narrow sense) (=state) and grasped it primarily surrounding the economy. It was good, if the civil society as non-political realm was protected by the political authority. But it was by no means under the direction of the latter. John Lock's social contract proposed a pre-political view of society (namely: society existed before government), which defined government as a relation of trust. With the notion that people could withdraw their support of a government, he laid a foundation for civil society as an autonomous realm opposed to the state.

There was obviously a reciprocal reinforcement between semantics and the societal structures in this period. The semantics of the commercial or the civil society described not only the phenomenon of the increasing autonomy of economy, but also consolidated the economy as an autonomous realm and promoted the differentiation between economy and politics.[10]

3) From civil society as a public realm of private affairs to the state/market dichotomy

It is important to note that civil society was a non-politically structured public realm concerning private realms in contemporary discourses—although these discourses stressed its economic characteristics and contributed to a connection of the state/(civil) society distinction and the politics/economy distinction. Nonetheless, it was later liberal economists (especially the neo-classicists) who equated the distinction public/private with the distinctions of governmental/non-governmental and state (governance)/market (economy) (Weintraub, 1997). Since the appearance of the doctrine against the absolutism in the seventeenth century, public opinion always played an important role in the discourses of civil society. It could be called "public" not because it was objective, but because it had to do with the issues of common concern and was recognized as such. This was the origin of its power. Public opinion claimed that it represented society, and this claim depended upon a force outside the existing political and religious authorities. This was a novel view that was never seen before. What made this possible was a new historical product: the public sphere (Habermas, 1989; Taylor, 1990: 108ff.).

Looking at another stream from Montesquieu to Tocqueville that contributed to the concept of civil society will clarify this point. While retaining a political definition

[10] Nevertheless, it was common that the development of semantics lagged behind the change of societal structures. In the German world, man was still used to understand "the social" as "the political" in the last half of the eighteen century, while the terms "the social" and "society" were already popular in France (Melton, 1991: 138).

of society, Montesquieu laid the ground for the civil society/state distinction. He viewed society as an equilibrium between central power and a skein of entrenched rights. According to his view, the key was to limit the ruler by laws, and the existence of independent bodies which had a standing in law and could defend it was the precondition for the realization of rule of law. Independent associations for non-political purposes were therefore very important. Their significance resulted not from the formation of a non-political realm, but from forming the basis for the fragmentation and diversity of power within the political system. What is relevant was not their life outside, but the way they were integrated into the political realm. The basis of their strength and weight in the political realm was exactly their life outside the political structure. It was not enough to understand the civil society as an association free from the tutelage of state power. According to the history of Western Europe, the concept of civil society implied that society had the capacity to organize itself and to act as a whole to resist the state or to coordinate its relations with state (Taylor, 1990).

4) The unifying attempt in the poly-contextural reality

The state/(civil) society distinction was a milestone in the history of thought. It was the first attempt to theorize social conditions based on difference rather than on unity (Luhmann, 1994a: 67). Nevertheless, seen from the viewpoint of systems theory, this distinction is insufficient to grasp its object. Its importance resulted from the fact that it registered a structural transformation from stratification to functional differentiation. But the poly-contextural or multi-centered reality that came onto the stage of history disclosed its one-sidedness. Seen from this new reality, either politics or economy was only a specific aspect of the "society"—although at the same time these specific aspects had universality.

Kant saw a distinction between violence and property. But he understood the society only as sociability and could not propose the state/society distinction, largely because interaction and society (as the encompassing system of all communications) were in that time not yet clearly differentiated (Luhmann, 1990b; 1994a: 68-69). It was Hegel's theory of state that tried to respond to this new reality and to solve the difficult, paradox problem of *unitas multiplex*. However, due to historical factors, neither liberalism nor Marxism accepted Hegel's solution.

In the development toward the state/society distinction, people narrowed their understanding of politics to focus it on the state. This brought about not only a de-politicization of civil society, but also postulated that the political had only to do with the state. This Roman trend of narrowing broad Hellenic understanding of

politics to state or administration, was furthered by marginalizing the political. Liberal economists hoped to replace the state with the market. Marxism then tried to eliminate the state altogether by claiming an even more radical view of society without politics (Luhmann, 1990a: 130; Taylor, 1990: 111-112). As such, although Hegel proposed a third mode of civil society in his discussions of family, civil society and the state from the distinctions public/private and universal/particular, and attempted to re-gain a unity in the category of state, his efforts were often overlooked in favor of the popular view of mistrusting the state (often equated with government) as a "leviathan".

When the concept of society was abstracted from sociability and association, and became the social system in the broadest sense—namely Aristotle's political community (Riedel, 1975b; Williams, 1976: 243ff.)—society became the best candidate for the signification of the unity of differences in the modern functionally differentiated society (Luhmann, 1970: 137-153; 1992; 1994a: 71-73; 1997b).

III. The Chinese historical experience

1. Feudal society in ancient times: *gong/si* (公/私), *guo/jia* (國/家) and *guo/ye* (國/野)

1) The development of a semantics of public, from the ruler to public affairs

Examining the earliest use of the word "*gong*" in Chinese records, it is clear that the original connotation of *gong* had a close relationship to the ruler. No matter if it referred to the king, ancestors, elders or dukes, its reference was limited to nobles. From these concrete indications it obtained more abstract connotations such as the court, state, policies or public affairs. Gradually, the view that personal, private interest should be separated from the public interest of government arose in the late Spring Autumn Period (Chen, 2003: 94-96; Mizoguchi, 1994; Zhang, 1992a).

In this development we can see a similar affinity between the notion of public and the sovereignty as in the Western experience. But a remarkable difference is that, in the West, the word "public" (*publicus*) was derived from "people" (*populus*) rather than rulers. In retrospect, this etymological diversity made a considerable difference on the notion of public. In China, there always lacked a tradition of self-government by the participation of the people. This had probably to do with the monopoly of the name "*gong*" by the state.

2) The *guo/jia* realm distinction in the hierarchical order of *jia*, *guo*, *tianxia* (天下)

In the distinction between *guo* and *jia* we again see what appears to be a similarity with the Western experience. These are in fact very different, however. Although *guo*—which originally referred to *cheng* (城, city)—as state had many similarities with the Hellenic *polis*, *jia* was also a political regime and not only a clan or an economic unit. However, there was indeed a clear distinction between *guo* and *jia*. Without the consent of patriarch, the king as director of *guo* could not arbitrarily invade into the realm of *jia*. In feudalism, *jia* was subordinated to *guo*. But the king exercised his rule actually only on behalf of the alliance of *jia* (Si, 1997: 285; Tang, 2004b; Tu, 1992: 412-419; 1998: 100-101). The particularity of Chinese feudalism consisted in that this order was founded on kinship, and it was conceived of as an inclusive hierarchy and a logically consistent order from *jia* via *guo* to *tianxia* (world).[11] What linked the different realms was the same *li* (禮, ritual) (Zou, 1985: 7).

The distinction between *guo* and *jia* had to do with the public/private distinction, but it was primarily a distinction of subjects' belonging and not conceived as a distinction between an opened, public realm and a personal, private realm (Tu, 1998: 16). Rather, it was a relation of flexible expansion and contraction. While the same principle was applied to the different levels or categories, the difference between levels or categories was maintained (Zhai, 2001, 29-34, 292). It is arguable to assume that the contemporary daily life expressed a mixture of public and private, similar to the middle age of Europe.[12]

3) The *gong/si* distinction in the well-field system

The *gong/si* distinction that had both a material basis and a real sense of public/private distinction was implemented in the well-field system (*jingtian*, 井田). *Gongtian* (公田) referred to the land of duke and the common land at the same time. People collectively cultivated a *gongtian*, as well as their "own" plot, *sitian* (私田), and could own the harvest of the latter. This *gong/si* distinction enabled a coding of have/have not, and differentiated the economy from the rest of society. However, this private realm was not an institutionalized guarantee, and could not compare to the personal right in the Roman private law. The logic here was like that of the later *guan/min* (官/民, officer, government/(common) people) distinction. After drawing a *gong/si* or *guan/min* realm distinction, the government that was the embodiment of public had still both the right and power to penetrate the private realm—i.e. the realm of people—anytime as it saw fit.

[11] A similar case in Japan see Mizoguchi (1995: 49).
[12] Seen from another angle, there was also a separation between public and private after the birth of the abstract notion of public. This view made public and private as two distinct values and gave public a clear priority (Chen, 2003: 96; Zhang, 1992a: 28).

4) The realm distinction between *guo* and *ye*

The *guo/ye* distinction, rather than *guo/jia* or *gong/si*, was the primary distinction in ancient China (Tang, 2004b: 79-84; Tu, 1990: 38-40; 1992: 470-477; 1998: 76-92). This referred not only to a concrete regional difference, the city-state and the wild land that was separated by the city-wall, but also embodied an abstract center/periphery difference, namely *guo* as rule-center and *ye* as supply-basis. Furthermore, this had to do with the civilized/barbarian distinction. In comparison to *guoren* (國人), the residents of the city, the uncultivated *yeren* (野人) living outside the city had to not only bear higher corvee labor, but also were not allowed to participate in the army or politics. Nevertheless, the ruler asked *guoren* about the state's affairs only because they were the main strength of the army. Hence, the political participation of *guoren* could not be called a right, and thus was not equal to the Hellenic tradition of citizens' autonomy.

5) The Chinese tradition of public power and moral authority

China had its own sublime political tradition that aimed at the cohesion of rule (*zhi*, 治) and education (*jiao*, 教). It emphasized the enactment of public power with moral authority, rather than a naked domination to achieve submission (cf. Hamilton, 1989; Jai, 1999). It was similar to the Hellenic tradition of decision by persuasion, but lacked the important component of self-determination by participation. Furthermore, parallel to Aristotle's idea of the political community as the most sovereign community where humans could seek their perfection, traditional China gave the word politics (*zheng* 政or *zhengzhi* 政治) a comprehensive and sublime meaning as well. *Zheng* meant creation or maintenance of order, *zhi* meant healing, rule and order. Both terms had positive connotations and showed a close relationship with order (Chen, 1990; Hall & Ames, 1987: 156-176; Hamilton, 1989; Schram, 1985: xxxi). The main current of Chinese thought since the Zhou era was to see the ruler as the key to both natural and social orders, which were seen as homologous.[13] On the semantic level, politics was not only esteemed as the great work of maintaining peace and order, but also thought to include everything and be responsible for everything.

6) State as society

The above mentioned idea is of a coextensive relationship among the dimensions

[13] The absence of the king was seen as a sing of barbarism (Wang, 1997: 292ff.).

of personal, social, and political order (Hall & Ames, 1987: 160). In this sense, state (=political system) was society (cf. Zhai, 2001: 32-33)—although there was actually no term in the ancient Chinese with the modern connotation of society. As such, with the establishment of bureaucratic empire in the second century BC, the three structural levels of *tianxia*, *guo* and *jia* overlapped with one another. Different from the Western *polis/oikos* or politics/economy distinction, the other side of the distinction which made the indication of politics possible in China stayed "unmarked". Politics was the only one way to describe the world and could claim to be representative of society. Correspondingly, there was neither distinction of state and society nor demand to regulate the state according to this distinction.

2. Transition to bureaucratic empire and the formation of closed stratification

1) Transition to bureaucratic empire and public as universal

As *guojia* (國家, state) structurally subsumed *tianxia* and became equal to society, the semantic of *gong* developed a further connotation of universalism with a strong opposition to *si*. This extension, and abstraction of notion of *gong* related to the universal notion of *tian* (天, heaven). Corresponding to the collapse of feudalism and the building of the centralized territorial state in the Warring State period, the notion of *gong* became a universal connotation beyond the government and court. It extended beyond politics in the narrow sense. Confronted with the contemporary disorder of frequent wars, thinkers wished either to bind the king with morality or to build the authority of king, and in doing so re-built a unified, peaceful and secure order. They therefore developed a principle of *gong* over the government. The Confucian idea of *datong* (大同, great harmony due to sameness), which took heaven as *gong* (public and just), was a representative discourse for this (Chen, 2003: 96-103; Mizoguchi, 1994; 1995: 48-49; Zhang, 1992a).

2) The semantic obstacle of recognizing the private in the public

Even the legalist that equated *gong* with law (*fa*, 法) and opposed *gong* to *si* embraced a universal notion of *gong* that was not limited to government and did not vary with the change of regime (Chen, 2003: 100-102; Liang, 2002: 113-115). In the discourse *qusi* (去私, discarding the private), the opposition between *gong* and *si,* and the negative evaluation of *si* was particularly apparent. Contemporaries defined *gong* often by *wusi* (無私, without the private or not-private). In comparison to the West, it was a remarkable Chinese characteristic of the one-sided, dominant primacy of the

public over the private. This depreciation of private hindered a recognition of the public in the private realm. It was only much later in Chinese history that the public realm developed outside of politics through popular participation.

In the Spring and Autumn period, the *gong/si* distinction did not corresponded directly to the *yi/li* (義/利, righteous/interested) distinction, although both were often associated. Then, beginning in the Warring States period, the private became devalued and universalism valued. Public righteousness (*gongyi*, 公義) became opposed to private wish (*siyu*, 私欲). "The public" then implied necessarily a negation of interests. Besides, although this universal notion of *gong* with a connotation of equality was a value which everybody could have, it was applied in the time from Han to Tang period primarily in the political realm. Only the emperor and his officials were required to be *gong*. This had a semantic origin, but had more to do with structural constraints.

3) The structural obstacle in the formation of a popular public realm

During the building of a territorial state in the mid Spring and Autumn period, both the *guo/jia* and *guoren/yeren* distinctions were slowly eliminated. People were both the subject of the noble and the citizen of the state. They became particularly *bianhuqimin* (編戶齊民, homogeneous people of the administratively reorganized household) and increasingly stood as individuals confronted directly with the state (Tu, 1990). This structural transformation destructed the earlier order of ascribed social status and enabled an upward mobility of the common people by virtue of his ability. A stronger achievement orientation and a stronger individual orientation appeared. The wealthy merchant without a title and the traveling chivalrous swordsman were representative of this trend.

This contributed to a situation of plural competitions and a prosperous development in other realms outside politics. But as the competing states system was unified in a bureaucratic empire, the once loosened status hierarchy stabilized slowly to an open hierarchy: literati/peasant/craftsman/merchant (*shi/nong/gong/shang*, 士/農/工/商). A new dynamic hierarchical order appeared on the base of a combination between this status hierarchy and the functional differentiation. Consequently, the political system not only did not lose its status as center of society, but won both a more consolidated stability and a primacy over the other functional systems again by expanding political inclusion, namely by opening the regime to talented commoners (Ch'ien, 1977).

This was a process, however. This dynamically stable hierarchical order did not form after the building of the Qin or the Han bureaucratic empire, but evolved step by

step with the institutionalization of recruitment of bureaucrats as well as the formation of the great literati clan (*shizu*, 士族) that slowly almost monopolized the channel to be bureaucrats (Hsu, 1982: 453-482; Yü, 1980). This process of penetration of society by the state, sociologically speaking, initiated only during the reign of the Wu emperor in the Former Han dynasty. The state not only uprooted wealthy and influential clan and repressed the merchant, but also recruited literati as bureaucrats to serve as bridge between central government and the local society.

4) The central/local realm distinction

During the Former Han, the locality remained an autonomous realm free from central penetration. On the one hand, the institution of hiring local people as local administrative staffs but forbidding the appointment of a native as director of local government contributed to the autonomy of local society (Yen, 1997). On the other hand, kinship, neighborhood and friendship stayed as the primary principle of social solidarity despite administrative reorganization by state. There was no great change with respect to the leadership in the local community that evolved from the natural settlement. It was headed by local elders. The state appointed influential local elders (*fulao*, 父老) selected by locals to serve as *xiangguan* (鄉官, village-officer). Nominally these elders were officers, but actually were representatives who were responsible for local "self-government". They did not own official power to fulfill their tasks. They did this mainly by their informal influence (Tu, 1990: Chap. 5; S.-M. Wang, 1995: 378-385). Although the public power of the state did not penetrate local society, a bridge between the central government and local communities was built by the coupling mechanism of bureaucrats coming from local communities and of local elders as village-officer.

5) The consistent order from *jia* via *guo* to *tianxia* in the bureaucratic empire

Although the feudalist hierarchical order of *jia*, *guo* and *tianxia* broke down, the bureaucratic empire re-built a logically consistent order from the *jia* via *guo* to *tianxia* (Hsing, 2002: 23). This new order was very different in the sense that *jia* was no longer a regime—not even a clan—but a nuclear family—a household with five persons (Ch.-H. Hsu, 1982: 515-541; F.-K. Hsu, 1985: 295-350; Tu, 1992: 780-800). Not only did powerful clans (=*jia*) as the backbone of the feudal order disappear, but also, *guoren* as the make up of the army were transformed into subjects of empire (*chenmin*, 臣民). *Chen* (臣, subject) now extended from officials to the people (Ogata, 1993). Simultaneously a hierarchical difference between *guan* (官, government

official) and *min* (民, people) was established. The weak tradition of participation by people disappeared and never returned. Now people could only voice in a form of recommendation during the recruitment of officials. Although the feudal hierarchy consisting of the layers of *jia*, *guo*, *tianxia* clashed, the state could maintain the same principle of domination on the ideological or even on the structural level by supporting the authority of the patriarch within the family and clan, giving elders a crutch symbolizing state power, and appointing local elders as village-officers charged with the task of education.

6) Not a zero-sum game between patriarchalism and public authority

The Chinese experience deviated from the Western paradigm that took patriarchalism and the state's public authority as a zero-sum game. The Chinese patriarch did not lose his power over the family or clan members as the imperial state grew stronger (Hamilton, 1984; 1990). Filial piety (*xiao*, 孝) was the ideological foundation of the bureaucratic empire, but imperial law before the Song forbade the patriarch to kill members of his family or clan. Due to the fact that public power could not reach into the sub-county level, *jia(zu)* (家(族), family, lineage or clan) was actually a independent realm so that this law had only a symbolic rather than actual validity. However, the codification of filial piety since the Song times did not mean unconditional intensification of patriarchalism. Patriarchs exercised their power now under the regulation of the imperial law and gave up many of the arbitrary powers they had earlier de facto occupied. By this selective delegation, the state included not only the patriarch as a moment of the governing machine, but also undermined the power base of the influential lineage that constituted a relatively closed and autonomous realm, and was not directly invaded by the state. This strengthening control by way of inclusion matched the increase of despotism and was a preferred reaction of the political system to the tendency of increasing functional differentiation.

7) The multi-functional personal association in the local community

Before the rise of the great literati clans in the Later Han, the regional neighborhood was the main organizational principle of the local society. This reflected in the fact that the cult for land and the cult for ancestor were equally important (Feng et al, 1994: 102), and local leaders were *fulao* rather than patriarchs. Furthermore, there were many associations that dealt with private affairs. They formed for various reasons, such as transaction, mourning, cultivation, cult, and labor service, but were

still grounded either on kinship or the neighborhood, and had solidarity with a strong personal orientation (Hsing, 2002: 23-24). Although they were often built for a certain function, they themselves were a multi-functional organization and embedded in the contemporary society that was not yet sufficiently functionally differentiated. They constituted a public realm outside *jia* as private realm, but were not beyond the framework of local community and had no influence on the policy of the state.

8) The formation of closed stratification in the "*mendi*" (門第) rank society

Influential literati clans began to appear in the late Former Han as a result of the rise of Confucian ethics on the one hand, and the personal considerations of self-protection and mutual aid, and above all the transmission of existing resources to the next generation on the other hand. Because the state recruited its bureaucrats by way of recommendation from the local community, these clans were able to guide local opinion and assure continuity of their status in the locality. As the traveling, rootless, individual literati transformed to influential literati clans, differentiation that formed during the breakdown of feudalism came slowly to an end. Gradually an upper rank that had more political, economic and cultural resources, and could claim to be the representative of society formed again. However, the literati did not form a closed rank before the mid Later Han. Their struggle with eunuchs and the imperial kinsmen strengthened their self-identity. When they were frustrated in the political struggle, they gave up Confucian ambitions of ordering the world and retreated from the political to the personal realm, most notably to the realm of family or clan, as well as individuality. With the development of a long-term imperial fragmentation and the implementation of the new institution for recruiting bureaucrats according to the ranks (*mendi*), a relatively closed stratified society appeared (Cheng, 1995; Mao, 1988).

9) Public and private in bureaucratic empire

The order of the bureaucratic empire had both public and private properties, and combined stratification with functional differentiation. The key to this combination was the bureaucrat and the literati as their reserve army. The emperorship meant a personal, private rule (*sitianxia*, 私天下). However, it introduced a public element of co-government with the bureaucrats as literati (Hsing, 2002: 27-28). Furthermore, with the status overlapping of bureaucrat and literati, the bureaucratic empire could build on a basis of a consistent above/under and superior/inferior principle. The hierarchy now was politics/the other functional systems = officer/people = literati/peasant, craftsmen and trader. Because the government was always called *gong*,

the people's realm (*minjian*, 民間) "opposing" government could only be called *si*. Hence, the distinction between government and *minjian* (or *guan* and *min*) was identical to the public/private distinction (Chen, 2003: 95-96). With a subtle combination of the public with the private components on the one hand, and an open stratification with a asymmetrical functional differentiation on the other, the bureaucratic empire won both an ideological and a structural justification, and could therefore form a stable order that continued for two thousands years. This made correspondingly the distinction *guan/min* (=*gong/si*) one of the most influential and stubborn.

10) The tension between the state as *gong* and the universal *gong*

There was, however, a semantic difference between *gong* and *guan*. A tension between the state as *gong* and the universalism as *gong* existed just as did the tension between bureaucrat and literati. While the ruling dynasty (=*jia*) governed the state together with the Confucian literati and created a stable order by opening the boundary of upper rank and the regime to people's participation, Confucianism as imperial ideology was not fully identical to the exiting regime and had its own standard about *gong* (=universalism). Prior to the Qing, there was a tension between Confucianism as symbolic, cultural authority, and political authority exercising public power (Huang, 1994: Chap. 7). This tension appeared in politics as the tension between the power of the emperor and the competence of the prime minister, which resulted in the well-known pattern of the emperor using trusted officials of inner court to deprive the power of the Prime Minister (Yü, 1983: 47-75). Nevertheless, this tension occurred only in the public realm. The public over the private was never questioned, not to mention the use of the private (as the public of the private realm) to regulate the public (the politics as public realm). Although literati knew that the emperor ruled the state as his family's treasure (*jiatianxia*, 家天下), an intensive critique and reflection about this arose only with the Manchus as "barbarians" invading China and establishing the Qing dynasty.

A more important point is that Confucianism did not constitute an autonomous realm like Christianity, although it had its own autonomy of thought and could criticize politics by virtue of its cultural authority. The transformation from the feudal to the bureaucratic empire replaced the reciprocal ethic between ruler and subject to one-sided ethic that stressed only the loyalty of the subject to the ruler. The Confucianism that attempted to realize its political ideal by participating in politics became, contra its intention, subordinated to the power logic of politics. We do not see a radical conflict because Confucianism did not constitute an independent realm, and

thought and culture could not completely differentiate from other social realms and formed a functional system (Luhmann, 1995a: 163; 1995b: 31-54). However, we can grasp this transformation through a change in values. For example, friendship was not inferior to loyalty or filial piety in the Former Han. However, it gave way to the latter in the Later Han (J.-W. Wang, 1995: 263-264). This tendency toward a mono value hierarchy confirmed not only a return to a unified hierarchy on the structural level, but also impeded the possibility of further structural differentiation.

The superiority of the literati still did not make them an autonomous status group, even though they had their own interests and believed in Confucian political ideals, because this superiority depended on politics. Consequently, neither Confucianism nor literati clans enabled an autonomous realm that could rival politics. This was particularly true as the state included different elite in different realms as political elite and made them all literati. The political division, the building of stronghold for self-defense, the falling back of the money economy, as well as the strengthening of the closeness of the rank during the time of rank society (the so called six dynasties), all of this increased the influence of literati clans, as if they were an autonomous realm that the public authority could not reach. But this did not change the fact. The dominant status of literati clans allowed them to simultaneously occupy political, economic and symbolic capitals, and it was very easy for them to transform these capitals into one another because they enjoyed a advantage in all social realms in the contemporary stratified structures. But the three forms of capital followed their own logic, for there was already a certain functional differentiation. Hence we see a time lag between the change of dynasty and the rise and fall of influential clans on the one hand, and between the wax and wane of these three different kinds of capital on the other hand. The most important capital was without doubt the political capital. If no clan member had served as a high official for many generations, clan would decline, no matter how influential it had been (Mao, 1988; Mišcevic, 1992). The influential literati clan was not only the channel that linked the central government to the local society, but also the real ruler in these two realms, and thus never found it in their interest to change this order.

11) The private *jia*

Although the influential literati clans (=*jia*) in six dynasties seemed like an autonomous realm, they were neither political regime nor “public” realm any more. After the bureaucratic empire was consolidated as a stable form of domination, both the idea of government as *gong* and the universalism as *gong* supported a sharp separation and opposition between the public and the private. In this framework *jia*

could only be defined as private (Ogata, 1993). These *gong/si* distinctions referred obviously not only to affairs and value orientation, but also to a realm differentiation.

The development of individuality among the literati reached a climax in this time. They often substituted the *li* and law with intimacy. But this was never assembled to an impetus that could drive an alteration of the societal structures, just a kind of escape or disengagement. However, with the expansion of the power of the upper rank and the turn of literati toward the private realm, the existing mono superior/inferior order and the primacy of *guo* over *jia* were somewhat undermined. Some even described the ruler/subject distinction as derivative of the father/son distinction (Yü, 1980: 332).

3. Gentry society: the dominance of the ying/yang dual structure and the formation of the representative public sphere

1) Changes caused by the introduction of the civil examination

The political reunification in the Sui and Tang times did not change the structure of the *mendi* rank society immediately, but did introduce an important driving force of change: the civil examination (*keju*, 科舉). Although this new institution for recruitment of bureaucrats did not change the social reality dominated by the influential literati clans, it shook the existing structures and produced the potential for structural transformation (Mao, 1988). In the beginning, the primary effect of the civil examination was not an enabling of rank mobility, but an inclusion of those influential clans that were excluded from the existing regime, despite the fact that it did gave the common people more chance for upward mobility than the earlier institution.

The situation that the influential literati clans almost monopolized the offices of government did not change, because they could continue to win in the civil examination by virtue of their abundant political, economic and especially symbolic capital. The civil examination worked as a new mechanism for sorting upper ranks, however. Not only new influential clans, but more flexible and open stratification appeared. An important impact of the civil examination on the societal structure was that the influential literati clans emigrated to the capital or its surrounding and loosened their connections with the local community. They no longer had regional hegemony, but were transformed into pure bureaucrats dependent on the state. The civil examination caused a separation of civil and military officers and the retreat of the literati from the military realm, and contributed to the later tendency to esteem the literati and to devalue the military men.

2) The disappearance of literati clans and the prevalence of literati values

The influential literati clans disappeared with the wars and disorders during the transition from the mid Tang to the Song era. The first Song emperor implemented the civil examination, which would supply him with talent to served but not threaten. An embryonic form of gentry (*shishen*, 士紳) society begun to develop. Here I adopt the approach of operative constructivism to follow the usage custom of the contemporary rather than to define the *shen* (紳, gentry) by a "objective" standard (cf. Ebrey, 1994: Chap. 1). Although *shen* referred initially only to the bureaucrats, it gradually became a general term for the upper ranks since the Song period. To reach the status of *shen*, the title won in the civil examination was doubtless a decisive factor, but not the only criterion. Wealth (especially land), marriage and pedigree all played a role. Like any stratification, the status of *shen* referred not only to the individual, but mainly to the family or lineage. The influential literati clans of *mendi* rank society disappeared, but new organized lineages appeared that were founded on the genealogy, ancestral halls and common landholding. This new kind of lineage could cultivate and support talented members through the collective effort of kinsmen to participate in the civil examination. In order to handle the unpredictable risk of the civil examination and the official career, the upper ranks adopted a strategy of "division of labors" between brothers, where some participated in the civil examination while others managed landholding or partook in business. However, the diversification of the origins and the occupations of *shen* did not lead to cultural diversity. On the contrary, literati values grew stronger within elite circles (Chaffee, 1985: 188).

3) The gentry as a coupling mechanism in the political structure of dual tracks

The connection between the central government and local communities depended on the *shen* as local leaders in this new societal structure. This resulted in the political structure of dual tracks (Fei, 1991; 1992). The top-down track came from the central government and could reach only to the county level. The county magistrate led a crop of assistants called *li* (吏) who did not have officer rank but contacted really with the people. The other bottom-up track referred to the seemingly "autonomous" local community, with the gentry as its representative responsible to deal with the government.

The popular diffusion of gentry in the local community took a long time. To make this development possible, the main factor was the sharp increase in the number of literati despite the limited quota of titles and offices, so that the upper ranks could no longer rely on the holding of office as the only way to guarantee the family's social

status. The change of current thought, which will be discussed later, was another factor that also deserves credit.

4) The blurring of the boundary between literati and merchant

A strategy for handling the uncertainties of success in the civil examination, an official career and the money economy, was to create a stable economic base (e.g. a great landholding) and gain local power. Since the Southern Song officials began to give up the model of national marriage alliances and adopted a complicated combination of various resources and activities such as landholding, business, matched marriage, charities, literature association, manifold mediation, religious cults and titles in civil examination. In this way they often successfully consolidated local power over many generations (Esherick & Rankin, 1990).

The quantum difference between the official, the degree holding literati and the common literati was not great in the Southern Song. This was because the court implemented an inclusive policy toward literati after its move to the south due to the invasion of foreigners (Liu, 1987: Chap. 4). In other words, the *mendi* rank society disappeared indeed in the Song, but the gentry society was not yet formed. As McKnight (1971: 6) points out, local elites in the Song were neither hereditarily influential, nor indoctrinated gentry, but simply the rich. Gentry society did not mature until the late Ming, when gentry spread in the local communities. Accompanied was the rise of the social status of merchants, so that the boundary between literati and merchant began to blur. The literati's education was not a necessary condition for gentry any more. Nevertheless, people could not become gentry only by virtue of their wealth until the eighteenth century.

5) The decline and revival of Confucianism

The Confucian doctrine lost its persuasive power due to the disorder at the end of the Han and the rise of the Buddhism and Taoism. Correspondingly, people no longer had any faith in the political system holding the capacity to create and maintain a stable social order. Due to political reunification by the Sui and the Tang dynasty, the institutionalization of the civil examination and the formation of the literature movement that promoted the old writing style *guwen* (古文), the Confucianism that aimed at an improvement of the real world and a perfection of the individual personality by participating in politics slowly recovered. But the Confucian idea that culture had a strong and positive impact on human behavior faded as a result of the disorder of the mid Tang. An attempt to revive Confucianism did not arise until fifty

years after the unification by the Song dynasty. The traditional conviction that the political system was the center of society and the key of order building culminated in the reforms of Wang Anshi (王安石). The extent of intervention of market and economic realm by the government was never seen before and after. Confronted with the failure of Wang's reforms and the invasion of the foreigners, literati confidence on politics was again shaken. Concern over moral education and the cultivation of personality replaced institutional reform and political activity. The literati looked not only the political center, but began to partake in local affairs, build connections with their local communities, and to organize lineages. In this way they hoped to create a basis to rebuild and to reunify the empire on the one hand, and to consolidate their status in the local society on the other hand (Bol, 1992; Brook, 1993; Hartwell, 1982; Hymes, 1986; Liu, 1987; 1988).

6) The prevalence of the heaven's principle as *gong*

The idea that *gong* represented the goodness and the fundamental principle of the world—heaven's principle (*tianli*, 天理)—grew in popularity. This was not a new idea, but popular doubtless after the rise of the so called Neo-Confucianism in the Song (Chen, 2003: 103-108; Mizoguchi, 1995: 56-57). It stressed the rightness more than the universal well-being or equality. According to this view, the lineage, as well as the ethic between father and son, which was seen earlier as private, could now be called public (Elman, 1990: 34-35). Basically, this view can be summarized with one sentence: to keep the public and to exterminate the private (*miesicungong*, 灭私存公). In other words, to defend heaven's principle and to exterminate personal desires (Zhang, 1992b; Chak, 2000). This kind of public/private distinction belittled not only the private, but also emphasized the psychological or motivational dimension rather than the real behavior and practical result with regard to the public/private. As Neo-Confucianism was promoted from a discriminated heterodoxy to the orthodoxy of the imperial state, this view that took the conditioning of personal desires as departure changed step by step to a very formalized and rigorous requirements that later produced a reaction with a new public/private distinction (Chen, 2003: 108-112).

7) The Chinese "public sphere"

Public activities, especially the public charities of local gentries, constituted another type of *gong* that was relevant with, but different from the above mentioned heaven's principle as *gong* (Chen, 2003: 113-117).[14] This new type of *gong*, organized

[14] This type of *gong* meant common, shared, or everybody. In terms of Chen's (2003: 113) study this

public charities of local gentry that beyond the scope of lineage and not limited to the religious activities, could not became popular without the earlier mentioned background: the shift of literati's attention to the local affairs, establishing a root in the local community and the view of heaven's principle as *gong*, all of which affirmed the possibility that people's private activities could embody a public value. This Chinese "public sphere" was born in the structural formation of gentry society.

8) Gentry's leadership justified by the participation of public affairs

Beginning in the Southern Song, the gentry, especially the literati, actively engaged in local public affairs, especially public charities (Leung, 1997; Liu, 1987: Chap. 18; 1988; Smith, 1987; von Glahn, 1993; Walton, 1993). As Brook (1993: 19) explains, "[t]hey do so because symbolic capital serves to objectify their domination as right in the eyes of the local audience of elite power; it also defines membership in the local elite and hence perpetuates the reputation of certain families as its inextricable members. The Ming-Qing gentry had much invested in symbolic capital through their extensive liturgical projects, all of which were ways of converting purely economic means into more abstract forms of power." A characteristic of the Chinese notion of public was reflected clearly in the literati's participation of local public affairs and the "public sphere" produced in this way: to confirm and to justify their leadership (ruler as *gong*) by public service and participating in philanthropic acts (universalism and heaven's principle as *gong*). It was not surprising that this kind of "distinction" in Bourdieu's (1984) sense became increasingly necessary as the gentry society matured (cf. Clunas, 1991; Leung, 1997: 244-253).

9) The heterogeneous gentry as a parasite of the government/people distinction

Participation in local public affairs justified the role of the gentry as representatives of local communities in negotiating with the government. The gentry played this role partly on their own initiatives, partly due to the request or the recommendation of the common people, and partly due to the assignment of the government. They therefore played different or even contradictory roles. Sometimes they defended the interest of the local community or their own family. At other times they supported the central government and attacked the selfishness of the locality. They were both people's representative and exploiter of the people, and also the third who enjoyed an extra gain from the difference between the government and the

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type of *gong* did not originate from the development of thought, but derived from the connotation of the word *gong* itself.

people. Hence, it is almost impossible to identify a common propensity or a general action model among this heterogeneous rank. The only certainty is the fact that this rank occupied the center of society and could represent society. That is why I call the type of society since the Song period gentry society. The particularity of traditional Chinese societal formation consisted in the overlapping and inconsistence of officials, literati and gentry, as well as in an open, dynamically stable stratification that based on this overlapping and inconsistence (Tang, 2004a: 143-148).

10) Inclusion as a means of reinforcing control

Another particularity was the way that the political system responded to enhancement of functional differentiation since the Song. A trend toward further functional differentiation appeared since the mid Tang. For example, the strengthening of the money economy caused the so called “money famine”. Later, the first paper money in the world was issued. In the religious realm there came a trend of secularization that led to the rise of popular religion with the orientation of synthesis of Confucianism, Buddhism and Taoism. The situation of the existence of “two sons of heaven,” namely the political competition between the “Chinese” and the foreign bureaucratic empire in China reinforced the tendency toward functional differentiation (Rossabi, 1983; Tao, 1988). However, confronted with the increasing autonomy of other functional systems, the political system responded with a strengthening of control. This was indeed not particular. Rather, the Chinese particularity was to control by way of inclusion. Besides the above mentioned example of patriarchalism, we can see this also in the state’s handling of popular beliefs. By awarding an inscribed board to legitimize the originally illegitimate beliefs and to distinguish them from other illegitimate beliefs, namely by appropriating the religious logic, the imperial state could intervene in the religious realm that had its own logic without causing a complete and direct opposition (Chiang, 1995; Hansen, 1990). The state (=political system) could maintain its status as the highest authority by such an appropriating strategy (Tang, 2004a). Concerning the juridical judgment, there was similarly “the third realm” which linked the formal system of verdict with the informal system of mediation (Huang, 1993; 1996). Although a reciprocal effect between state and society was obvious here, the highest authority laid still in the hands of the state and the emperor. The mono order with politics and gentry as center was never challenged or changed.

11) The prevalence of the yin/yang dual structure

Although the political system could successfully maintain its status as the dominant center when it was confronted with the enhancement of functional differentiation and a simultaneous lacking of mature mechanisms of structural coupling between different functional systems, the embarrassment that it could not integrate the society became more and more striking. It appealed to morality as the last resort to avoid the collapse of societal unity or integration. Understanding this background of societal structure, we should not be surprised why Neo-Confucianism in the Song era emphasized the moral dimension so strongly to promote a strict public/private opposition where both sides of this distinction were absolutely incompatible. Such a conservative effort did have validity and effects, but was not complex enough. The result was differentiation of the real from the nominal. The so called yin side, the private, practical side in the real social operations that allowed an existence of difference became decoupled with the yang side, the public, nominal side that was oriented toward unity. This caused the popularity of the phenomenon *yangfengyinwei* (陽奉陰違), namely that man complied in public but opposed in private. A yin/yang dual structure, which was relevant for all the life realms and crossed the functional differentiation, formed and soon became dominant (Tang, 2004a; Zou, 1995). This dual structure was not only a Chinese characteristic, but also strongly influenced later development.

12) The non-oppositional public/private distinction in the yin/yang dual structure

In this yin/yang dual structure the public and the private were no longer an opposed dichotomy, but had the possibility of extension to and inclusion of the other side. In other words, the public/private distinction became flexible and was dependent on the actor's view that weighed gains and losses. This thinking and the reality produced by it conformed to the traditional Chinese yin/yang mode of thinking and adapted to the "consistent" order of *chaxugeju* (差序格局), namely a framework of differential handling (Fei, 1992: Chap. 4). In this order that had the self as center and could flexibly extend or contract according to a mode of differential handling, all self that was more inclusive than the personal, private one self (*dawo*, 大我) deserved to be called public. In fact, all the above mentioned Chinese notions of public implied an understanding that equated the public with an extended self. The most abstract was the so called unity or convergence of heaven and man (*tianrenheyi*, 天人合一). In this consistent order as an inclusive hierarchy of different levels, people understood unity by means of the logic of identity rather than the logic of difference and recognition of each other. Therefore people never faced the problems of the other and the coordination of the difference between self and the other. The so called public

became often unavoidably the superficial, formal unity in the yang side. When the attribution of the public and the private became primarily dependent on the psychological motivation rather than a manifest realm distinction, the public/private distinction could not be an objective behavior standard (Chen 2003: 122-123), but was transformed into a flexible weighting that suited the local situation and could be explained arbitrarily by oneself. This development blurred not only the boundary between public and private, but caused a non-separation between public and private in reality despite the perpetual emphasis on selfless publicness (*dagongwusi*, 大公無私) on the semantic level.

13) The underdevelopment of impersonality and privacy

Although the framework of differential handling stressed the social dimension, it was an egoistic order rather than an individualistic order. This consistent order extended always from the self as center and did not presuppose the distinction between the group and oneself. In other words, neither the other nor the group was recognized in this framework. This strengthened the orientation toward person. Hence, the Chinese preferred to include the whole person under the framework of (we-)group. The differentiation between person and role was very limited. There was no clear boundary between other and self. As a result, the development of impersonality and privacy was insufficient. The functional differentiation lacked an important driving force. This non-separation between public and private was particularly apparent in the circle of we-group (*zijiren*, 自己人). If someone did not open his own private realm to the member of his we-group, it did not conform to the convention (*li*) because it meant that he treated this individual as an outsider (Zou, 1995: 105-106, Chap. 7). Due to the insufficient development of impersonality and privacy on the one hand, and the identification of (we-)group with the public on the other hand, it was very difficult to build the public on the basis of the private, or a public sphere, in Habermas's sense.

IV. Comparisons and Discussions

From the above reconstruction of the Chinese and Western traditions we see very different notions of public and private. This difference was embedded in different societal structures. However, there were also obvious similarities that could not be denied. For example, a strong association between politics and the public existed in both civilizations. China and the West both held the same view of sovereignty as the public and justified leadership by the common good and the contributions that leaders

could bring to the public. Gentry leadership in China was justified by participating in the public affairs, especially public charities.

But this example leads us at the same time to consider a significant difference between the Chinese and the Western traditions. Despite politics being respected and praised as public in both traditions, the ideal of self-determination and the idea of democracy were absent in imperial China. Rather, it was elite determination or meritocracy that was seen as ideal and functioned actually as powerful societal structure in imperial China. Furthermore, although the West also tried to replace violence with persuasion, moral authority was not as strongly emphasized as in imperial China. Westerners tended to think that power was backed by violence, and correspondingly classified the "power" won by persuasion only as influence (cf. Hamilton, 1989; Jai, 1999). This difference was related to the different ways in how Chinese and Westerners conceived of the public—although the causality of this relationship cannot yet be clarified.

At least it was certain that one-sided devaluation of the private appeared only in China. This, and the one-sided determination on how an action was judged as public or private, depended only on the actor's motivation obstructed definitely the formation of the public sphere, in Habermas's sense. It is therefore very important to understand the historical backgrounds of semantics or concepts, to contextualize or to historicize the concepts that are often taken-for-granted today. For example, much scholarship and discussion about the "public sphere" or the "third realm" in imperial China are, in my view, either problematic "applications," or not well-considered analog (see e.g. Huang, 1993; Rankin, 1990; Rowe, 1984; 1989; 1990; Wakeman, 2001; *Modern China* Vol. 19, No. 2). They see only a superficial similarity that was often based on a conflation of discourse, politics and organizations, and do not note that it was a representative public sphere in a stratified society rather than the bourgeois public sphere as a category of the civil society in the modern functionally differentiated society.

The emergence of the modern public sphere assumed a sufficient separation between persons and roles. This separation together with the development of impersonality and the respect of privacy were absent in the imperial China. The affirmation of the legitimacy of private desires in the late Ming was a reaction to the formalization and ossification of Neo-Confucianism and a result of economic growth, and therefore gained wide support. Nevertheless, this thought seemed contradictory to the public/private distinction in Neo-Confucianism only due to a semantic confusion and never actually negated the value of the public (Chen, 2003: 108-112; Chak, 2000). The idea that another rational level of the public would result from the aggregation of the private was never developed.

We can see many seemingly "autonomous" phenomena in imperial China. But this originated from the peculiar public/private and state/society relations in the yin/yang dual structure. Despite the embracing of paternalistic ideology, the imperial state gradually handed over many local administrative tasks to the gentry in late imperial period. As long as this "self-government" did not constitute a "public" challenge or a threat to the existing regime, it was tolerated or even allowed "privately". However, the state would oppress any subversive potential (e.g. popular religions) without hesitation and could succeed.

Although the rise of merchants to political power beginning in the Ming caused a blurring of the boundary between literati and merchants, as well as the formation of a new status hierarchy of literati-merchant/peasant/craftsman, neither the existing order nor the primacy of the political system were challenged. The economy was not completely differentiated from other social dimensions and became an independently operating, autopoietic functional system. Merchants were satisfied with profiting from the rent-seeking by way of establishing a good relationship with gentry and government. This interest exchange that colored the private interest a certain character of the public led only to a vicious circle that prevented from recognition of the public in the private. Lacking the semantic guidance and justification, such as the civil society and commercial society discourses in the West, the new emerging driving forces could only adapt themselves to the existing order instead of revolutionizing it.

The absence of the idea of public in the private had to do with the Chinese understanding of "society". As Chi-Nan Chen (1998: Chap. 6) has rightly stressed, there was no consciousness of society in imperial China. Seen from another perspective, however, we can say that the Chinese understood society mainly from the angle of sociability and equated society with the group. In the logic that held the greater self more inclusive than the private one as public, the problem of the other was not faced squarely, not to mention the problem of the stranger. The emergence of a modern functionally differentiated society was accompanied by the generalization of the stranger and built on the giving up of the inclusion of the whole person, on the separation of person and role. Functional differentiation could not be complete until the public was included in the functional system via a role complementary to the professional role (Stichweh, 1988: 261; 2002).[15]

As the gentry occupied the societal center, the public played no significant role. There were only bottom up and top down political tracks, and no dual power cycle as

[15] The individual that was excluded by the structure of functional differentiation desired not only to be included but also hoped to own a personal private realm. The popularity of individualism in the nineteenth century resulted exactly from this development (Lukes, 1973: Part 1). The appearance of the idea of family confirmed a similar development (Schwab, 1975; Tyrell, 1976; Williams, 1976: 108ff.). However, even the family could not include the whole person and therefore not always serve as expected, because intimacy could also be a heavy load (Luhmann, 1990c: 196-217).

in modern politics, i.e. the formal power cycle (politics→administration→the public→politics…) plus the informal power cycle (politics→the public→administration→politics…) (Luhmann, 1990a: 46-51). However, grasping the structure of modern society is not an easy task. Even Hegel's idea of state and Habermas's concept of public sphere departed from the state/society dichotomy and could not successfully respond to the paradox of the *unitas multiplex* of the modern functionally differentiated society—these semantics lagged after the development of societal structure. However, we can try to solve this paradox by generalizing the concept of public sphere that was originally a specific historical product. Accordingly, the oscillating public sphere would be conceived of as a societal inner environment that varies with the context of functional systems (Baecker, 1996; Luhmann, 1998: 57-61; 2000: 284-298). But this topic is beyond the scope of this paper, and something I will take up later.

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