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中国社会科学论坛之 "公共性与公共领域"国际学术研讨会 暨

《东西哲学年鉴》首届编委会 （北京 10 月 8 日–10 日）

Hauke Brunkhorst (University Flensburg) 豪克·步鲁克豪斯特 德国弗伦斯堡大学教授	**Publicity in the World-Society** The evolution of the present legal system is powered by the contradictory double-structure of a law that at once is repressive and emancipatory. I take three examples, one from the early time of the twentieth century's legal transformations, and two from the present. They all show, that the latent emancipatory potential of public law *can be activated* to challenge repressive function of hegemonic law. The first example is concerned with the challenge of imperial law from within the managerial mindset of the legal system, the second shows that every modern constitutional law "can strike back". The third one emphasizes the tension between the Kantian constitutional mindset and the managerial mindset that dominates present international law.
Robin Celikates (University of Amsterdam) 宾·塞利卡特 荷兰阿姆斯特丹大学	**Digitalization: A New Structural Transformation of the Public Sphere? / 数字化：公共领域新的结构转型吗？** Is the Internet one of the causes of the crisis of the public sphere or does it rather provide a way to address this crisis? Do new forms of digital activism undermine the functioning of existing democratic institutions or open up new avenues for democratic participation? In my talk I will address these questions by first discussing the traditional Habermasian notion of the public sphere and the challenge that the digitalization of communication and action poses to it. In a second step, I will argue that digitalization indeed leads to a new structural transformation of the public sphere and distinguish ways in which this development can be both detrimental to and beneficial for the project of a democratic public sphere in the 21st century.
Chow Pak Kiu (HKCT Institute of Social Science and Associação de	**Should Instrumental Reasoning be allowed in Public Sphere?** Those who have a high regard for public sphere have their own reasons. There are at least two. First of all, discourses that take place in public sphere are processes of argumentations in which rationality, inter-subjectivity and impartiality are valued. Paternalism and vested interests will never exert their influences upon the decisions collectively made by the interlocutors. Secondly, most, if not all, pieces of information relevant to collective decision making are accessible to every interlocutor in

Filosofia da China em Macau) 周柏乔	public sphere. Such a flow of information helps to nurture a democratic decision making process that could overcome deep differences among the interlocutors and thereby give rise to 'a legitimate bonding force' for a pluralistic society. Critics who have doubts about public sphere may ask what kind of interlocutors is entitled a place in the public sphere as mentioned above... --- 公共空間能容得下工具理性嗎？ 港專社會科學研究中心/澳門中國哲學會 哈巴馬斯所倡議的公共空間是體現交往理性和論辯倫理的地方，讓個體脫離昔日的單幹模式，由大家合力營造一種無分彼此的相互理解。工具理性是典型的單幹理性，理應從公共空間裡趕出去。本文反對這種簡單的做法，僅主張箝制那些假借合力營造之名而行單幹之實的工具理性。
Deng Xiaomang (Wuhan-University) 邓晓芒 华中科技大学 哲学系	Ein Vergleich zwischen dem chinesischen Yi (義) und der griechischen Dike (Δίκη) Ein Vergleich zwischen den Prinzipien der Gerechtigkeit im Konfuzianismus, Mohismus (Mohistenschule), Legalismus und Taoismus des chinesischen Altertums einerseits und in den griechischen Theorien der Gerechtigkeit bei Solon, Anaximander, Heraklit, Sokrates, Plato und Aristoteles andererseits soll zeigen: Was die Ursprünge der Gerechtigkeitsidee in China und im Westen betrifft, bilden sowohl das chinesische Yi (义) als auch die griechische Dike (Δίκη) die Kernidee und -wertvorstellung, die die jeweilige Gesellschaft bindet. Jedoch zeigen sich auch viele Unterschiede in den Gerechtigkeitsideen in China und im Westen. Im Wesentlichen geht der Unterschied auf die folgenden Gründe zurück… --- 中西正义观探源（中、德文提要） 经过对中国古代儒家、墨家、法家和道家对待正义的态度的考察，以及对古希腊从梭伦、阿那克西曼德、赫拉克利特、苏格拉底和柏拉图到亚里士多德的正义理论的分析，所得出的结论是，中西正义观在其源头上，也就是中国先秦的"义"和古希腊的"正义"，虽然都是维系一个社会的核心理念和价值，但却有如此多的差异，究其本质来看，这种差异主要源于以下几个方面。

Andrea Marien Esser (Philipps-University Marburg) 安德拉·埃森 德国马堡大学教授	**Kant on the Public Sphere and Some Reflections on Hannah Arendt and the Contemporary Discussion** / 康德和阿伦特论公共领域 Kant's famous motto of enlightenment, "Sapere aude!", is inseparably entwined with the demand for the "public use of reason". There is no doubt that this also embraces the notion of a free and unrestricted exchange of ideas between writers and scholars, or one which is free of restriction or control on the part of the political authorities. But the understanding of the public sphere which springs from this conception is not simply restricted, in the course of its development, to small circles of learned participants in such intellectual exchange. The "public use of reason" merely indicates the potential beginning of a process in which "subjects" of the state and passive citizens are capable of developing into citizens of the world, and in which nation states are capable of developing into a kind of world community. This conception of the public sphere also receives further concrete articulation in Kant's *Critique of Judgement*, as Hannah Arendt already clearly recognized. In particular, the doctrine of reflective judgement which is developed in that work also allows us to derive several critical insights from Kant's conception of enlightenment and the public sphere which are highly relevant to the contemporary discussion regarding these issues.
Gan Chunsong (Department of philosophy, Beijing University) 干春松北京大学哲学系教授	**Religion, Nation-state and Civil religion. The Assumption and Practice of Confucianism in the Process of national Construction** According to Liang Qichao's viewpoint in the Biography of Kang Youwei, Kang Youwei should be remembered as an excellent religionist. Indeed, Kang Youwei, calling himself Martin Luther of Confucianism, tried to find a properly existing way for Confucianism in the new political and social structure through imitating church religion in western society, because he firmly believed that the modern democratic politics and constitutional government system must be established on the base of immanent culture and morality. Furthermore, Confucianism, epitomizing Chinese traditional thought, should take this responsibility. Reforming Confucianism into a religion of western style, Kang faced many challenges. Firstly, Confucianism is a kind of religion or not? Secondly, if Confucianism is a kind of religion, what is the difference between Confucianism and western religion? --- 干春松北京大学哲学系教授宗教、民族国家与公民宗教：近代民族国家建构过程中的孔教论说 按照梁启超的说法，康有为最为重要的贡献应推其孔教事业。的确，康有为称自己为孔教的马丁路德，他希望在中国近代的大变局中维护儒家的价值，所以期望以西方教会的方式来使儒家获得固定的传播途径，以维持世道人心。当然他的这种做法，遇到很大的挑战，首要的问题是，儒教到底是否是一种宗教。如果是，这种宗教和西方宗教之间的差别何在。为了解决这个问题，康有为对宗教概念进行了分析，并认为儒教的人道特色意味着它是比基督教等有神教更为进步的一种宗教。戊戌变法失败之后，康有

	为进入了漫长的流亡生涯，他对儒教问题做了系统的思考，其结果是试图建立一种国教。虽然梁启超反对这个主场，但是他的另一个重要的弟子陈焕章则坚决支持，并将康有为的主张落实。
Stefan Gosepath (Free University of Berlin) 斯特凡·戈泽帕特 德国柏林自由大学教授	**Public Sphere and Globalization ／ 公共性与全球化** Problems require an at least satisfactory solution. To find such a solution we have to make use of our faculty of reasoning. Reasoning in turn requires publicity - however in different senses and degrees. Only if reasoning is public in the substantial sense of a mutual and public justification it can be guaranteed that reasons are brought forward and be recognized that are indeed relevant and decisive from the perspective of all affected. In that sense the publicity of reason-giving and -taking enhances the effectivity of the problem-solving. In the context of our societies for problem-solving to be just and effective it has to be a public, common and finally deliberative democratic process.
Han Shuifa (Beijing University) 韩水法 北京大学哲学系教授	**Justice, Goods and Publicity** In contemporary philosophy and social sciences, the concept of publicity has been widely focused, while it remains the weakness of vague and indeterminacy. Although this situation provides a variety of opportunities for people to discuss or address it, but also can't help to clarify the understanding of it and the utility of practice. The key of the understanding and definition of publicity doesn't consist in a theoretical analysis and construction, but also in a positive investigation of the social behaviour and the relationships, as well as the aspects and maxims inducted and sorted out on the basis of the investigation. The publicity can also be understood from the perspective of justice, and the overlapping between the two lies in the social goods, or more precisely, their coincidence lies in how the social goods are to be understood and defined. In this sense, the idea of social goods in a theory of justice is the core of the publicity. --- **正义、善品与公共性** 在当代的哲学和社会科学中，公共性概念在受到广泛关注的同时，仍然维持模糊依违的劣势，这虽然为人们提供了论述的各种机会，却也无助于理解的澄清和实践的效用。理解和规定公共性的关键不仅在于理论的分析和构成，还在于对现实社会行为和关系的实证的考察，以及在此基础上的归纳和梳理出来的层次和规则。公共性亦可以从正义的角度来理解，而它们两者的重叠之处就在于社会善品，或者更准确地说，它们的重合之处就在于如何理解和界定社会善品。在这个意义上，正义理论关于善品的观点正是公共性的核心所在。

Hou Cai (Departement of philosophy, Party School of the Central Committee of the C.P.C.) 侯才 中央党校哲学部研究员	### The Public Sphere and the Norm of Ethics At the present stage of Chinese society, relatively independent public spheres are still in the process of emerging and constructing. According to existing practices, the perfection of ethic norm construction in public spheres plays a very important role in this process. In this regard, religious ethics, like the social ethics, could serve for some important functions. In order to fulfil such functions in the emerging process of pbulic spheres, we should form right religious views. Therefore, we need to reflect upon and re-interpret the fundamental questions about the religions and avoid the related mistakes. --- 公共领域与伦理规范 在中国现阶段，相对独立的公共领域尚处在生成和建构的过程中。既有相关实践表明，公共领域的伦理规范结构的完善对于公共领域的生成具有重要的意义。在此方面，宗教伦理与社会伦理一样，能够担负一定的重要的职能。但是，要切实发挥宗教伦理在公共领域生成过程中的作用，必须确立合理的宗教观。为此，需要对宗教若干重大基础理论问题进行反思和重释，澄清在宗教认识上的若干误区。
Rahel Jaeggi (Humboldt University of Berlin) 哈埃尔·亚埃吉 德国柏林洪堡大学教授	### Democracy as a Form of Life / 公共领域与民主作为生活形式 If societies are systems of social cooperation we can conceive of democracy as a certain way to organize and shape these cooperative relations. Publicity – the unrestricted and transparent discussion about our common life – can be seen as the medium for a democratic organization of society. Now, understanding democracy as a form of life, as I will suggest, following John Dewey, means that democracy has to be understood as a certain way to shape social practices and institutions „all the way down". This understanding is accompanied with an experimental attitude towards the kind of problems and processes of problem-solving that come up within (modern) societies. In my talk I will argue, that this democratic understanding of social change does not only have „epistemic advantages" but also reflects an adequate understanding of the kind of crises and dynamics that evolve within (modern) societies. Normatively shaped and historically situated these crises and conflicts can neither be understood nor solved by of social-engeneering. Not technocratic social experiments but democratic experimentation driven by the public articulation of social conflicts are the „stuff" from which the social process is made of – whereas to hinder conflicts from being articulated in a democratic manner leads to a „blockage of experiences" that ends up in regression and social pathologies.

Bernhard Jakl (University of Frankfurt a.M.) 伯纳德·亚克尔 德国明斯特大学教授	**Pluralism, Autonomy and Public Deliberation** Private law is aiming at the realization and protection of individual autonomy. Particularly, the principle of private autonomy and property rights enable different persons with different schemes of life to organise their cooperations. Insofar, „the fact of pluralism" (John Rawls) relies on private law. But in a pluralistic society, the exercise of private autonomy by different individuals and groups can lead to further clashes of interest. The question arises, if there is a public dimension of contract law. Should contract law focus on the internal relationship between the parties? Or should contract law be evaluated and revised by public deliberation?
Jiang Yi (College of Philosophy and Sociology, Beijing Normal University) 江怡 北京师范大学哲学与社会学学院教授	**Citizenship and Publicity in Chinese Context** China is in the process of transformation of traditional agricultural society to modern industrial one in which citizenship is crucial to the society as its foundation. The civil society has a long history in the West, but there are challenges for China to focus on cultivation of citizenship and to make publicity to be common factor for Chinese transformation of society. In this paper I will analyse those challenges in China by distinguishing citizenship and morality in the traditional Chinese philosophy and culture, arguing that there were no idea of publicity in the traditional Chinese society and political life. In contrast, China has been in the struggle of the contradiction between publicity and privacy, the latter which has been based on personal morality and the former on political authority. In modern China the idea of citizenship has been flourished with the social development, but the publicity has not been focused as the source of the idea of citizenship. It is surprised that prosperity of the civil society in China is proceeding without cultivation of publicity. There are some faults in understanding the idea of citizenship in contemporary Chinese society, and some contradictions of the idea with the traditional Chinese thoughts. Thus it is still a big challenge that how the Chinese society changes the traditional thoughts into modern idea of citizenship with publicity. --- 中国语境中的公民身份与公共性报告 中国正处於从传统农业社会向现代工业社会转型的过程之中，而在现代社会中，公民身份则是作为基础而发挥关键作用。公民社会在西方已经有了漫长的历史，但对中国来说，要聚焦公民身份的培养和在中国社会转型中使得公共性成为共同因素，则还面临着许多挑战。在本文中，我将分析中国面临的这些挑战，区分中国传统哲学和文化中的公民身份和道德观念，指出在中国传统社会和政治生活中从未有过公共性观念。相反，中国始终处于公共性与私人性的矛盾冲突之中，后者是基于个人的道德，而前者则基于政治上的权威。在现代中国，公民身份的观念伴随着社会的发展逐渐得到了繁荣，但公共性却始终没有被看做是公民身份的来源。令人奇怪的是，公民社会在中国的繁荣完全是在没有培养公共性的背景下进行的。当代中国社会存在许多对公民身份的错

误理解，以及这个观念与中国传统思想之间的矛盾。因而，中国社会如何从这种传统思想转变为具有公共性的现代公民身份观念，这仍然是一个巨大的挑战。

Gertrud Koch (Free University of Berlin) 格特鲁德·科赫 德国柏林自由大学教授	**Mass Mediated Public Space between Representation and Communication** / 介于表现和交流之间的大众媒体公共领域 It is difficult to abstract entirely from the ambiguity in the word "global." It means "world encompassing," as intended above, while, in a more pejorative sense, it labels something inexact or only crudely conceived. Talk about the global is nearly always too global, gaining magnification at the cost of an erasure, of a loss of empirical reality. There is to that extent something permanently speculative, which is both treacherous and appealing, about all attempts to capture the global in conceptual terms. The introductory quote from McLuhan and Fiore preserves an odd paradox, which reproduces this ambiguity in another way: In the aftermath of globalization, the world has become a village. Like a village, today's world is characterized by a scarcity of distance, whether understood in spatial, temporal, or social terms (while real villages make use of a more complex ordering of symbolic spaces to inject distance into the otherwise inescapable narrowness). Everyone is connected to and for everyone else in a circular flow.
Regina Kreide (University Gießen) 里贾纳·克莱德 德国吉森大学教授	**Digital Spaces, Public Places and Communicative Power. A Defense of a Deliberative Model of Politics** A deliberative model of politics has been criticised recently for not being equipped very well to conceive public spheres in world society. A first critique is that this model assumes a conception of public spheres that is too idealistic, because it presupposes contrafactual conditions of communication in any public discourse that do not meet empirical real word conditions. Secondly, it assumes an antiquated notion of a shared ‚we' of political actors. Because of this it does not take into consideration the ‚digital turn' and the ego-centering and dispersonifizing effects of social media like Facebook, twitter, and blogs that have led to a rapid decline of the public sphere. And a third critique states that the deliberative model ignores that politics and especially protests and revolutions are not seminar like debates but spontaneous, chaotic and sometimes violent expressions. So it is not just insensitive for the ‚digital space' but also for gathering and protesting on real public places surrounded by military troops. I will argue that all these critiques fall short. A deliberative model of politics allows to address the tension between the idealist and the real, the 'old media' and the so-called digitalization of public spheres as well peaceful discourse and violent uprisings. Especially, the concept of communicative power, a notion also used by Hannah Arendt, reveals the potentials for future participation in digital spaces and public places.

Wolfgang Kubin (BFSU / University of Bonn) 德国波 恩大学教授	**Wie öffentlich ist die Öffentlichkeit? Ein Versuch in Sachen China** / 什么样公共的才是公共领域？对中国情况的一个研究 Es herrscht nicht nur in der "westlichen" Presse, sondern auch in der "westlichen" Wissenschaft ein Schwarz-Weiß-Bild von China vor. Der Referent versucht, auf der Basis eigener Erfahrungen in China und im "Westen" aufzuzeigen, wie fragwürdig mitunter die Sicht "Westen = Freiheit" / "China = Unfreiheit" sein kann. Die "Öffentlichkeit" ist nämlich nicht nur in China ein Problem, sondern andernorts mitunter ebenso, nur dass dieses im "Westen" nicht thematisiert wird.
Li Cunshan (Chinese Academy of Social Sciences) 李存山 中国社会科学院哲学所研究员	**Pre-Qin Confucians Pay Special Attention to the Faithfulness in Public Domain** The "bachelors" or "scholars" ("士") of Pre-qin Confucians, as a social stratum, is situated between the state political authority and the social economic domain, they "strive for the Dao (道) and not to seek food", "be anxious about the Dao and not to sorrow poverty", so that may reflect the divide between the public political domain and the private economic domain. Since Confucians perceives "cultivating one's morality, regulating one's family, governing a country, even world" as a continuous whole, there is no clear divide between "private domain" and "public domain" in the Confucianism. However, comparatively speaking, "cultivating one's morality, regulating one's family" is comparable to "private domain", while "governing a country, even world" can be comparable to "public domain". Pre-Qin Confucians pay special attention to the faithfulness ("忠信") in public domain. As indicated in *the Analects,*Confucius said，to rule a country "there must be reverent attention to political affairs, and sincerity", "never slack off in your position and fulfill your responsibility loyally". Confucius also believes that "people's trust in the government" is more important than "sufficient food, sufficient armaments". *The Dao of Faithfulness* (《忠信之道》) is included in the Guodian bamboo slips unearthed in 1993, which takes the essence of kindheartedness and justice ("仁义") as faithfulness, where faithfulness is promoted to the supreme position. The faithfulness presented in pre-Qin Confucianism emphasizes that the rulers should be loyal to their subjects, then making "people trust in the government". Consequently, the aim of "governing the country with moral" ("以德治国") can be realized. After Qin dynasty, in the context of "three cardinal guides" （三纲）, the moral obligation of "loyalty" ("忠") was only applied to the subjects but not monarch, so that the special meaning of rulers' faithfulness was lost, which reflecting the predicament of "governing the country with moral" in the era of monarchy. In the modern democratic societies with rule of law, how to make the leaders set as a good example, deeds according with words and keeping their promises, so that the credibility and trust can be enhanced, is still a problem to be solved and must not be overlooked.

	先秦儒家在公共领域对"忠信"的重视
	提要：先秦儒家之"士"介于国家政治权力与社会经济领域之间，他们所谋求的"仁道"虽然是基于"修己以敬"的道德修身，但也更指向了"修己以安人"、"修己以安百姓"的政治领域，他们的"谋道不谋食"，"忧道不忧贫"，"无恒产而有恒心"，则又体现了公共政治领域与私人经济领域的区分。因为儒家将"修身、齐家、治国、平天下"视为一个连续性的整体，所以儒家学说可谓没有对"私人领域"与"公共领域"的明确划分。然而，"治国、平天下"毕竟不同于"修身、齐家"，相对而言，"修身、齐家"可以说是"私人领域"，而"治国、平天下"可以说是"公共领域"。先秦儒家在公共领域所特别重视的是"忠信"，如《论语》记载，孔子说："道千乘之国，敬事而信，节用而爱人，使民以时。""子张问政，子曰：'居之无倦，行之以忠。'"在公共领域，孔子把"民信之"看得比"足食、足兵"更加重要。在 1993 年出土的郭店竹简中有《忠信之道》，此篇把"仁义"的实质归结为"忠信"，从而"忠信"被提升到至高的地位。先秦儒家所讲的"忠信"，就是强调执政者对臣民要忠诚或诚信，从而使"民信之"，如此才能实现"以德治国"的目标。秦以后在"三纲"的语境下，"忠"的道德义务只被用于臣而不可用于君，以致"忠信"的特殊意义废而不讲，这正反映了儒家"以德治国"思想在君主制下所处的困境。在现代民主法治社会，执政者如何以身作则，言行一致，守信重诺，从而提升其公信力或信任度，仍是必须重视而亟待解决的问题。
Georg Lohmann (University of Magdeburg) 乔治·罗曼 德国马德堡大学教授	**National and International Publics and the Protection of Human Rights** / 国家、国际公共性与人权的保护 Since the founding of the UN, the protection of human rights is a national and international challenge. In international human rights covenants, States Parties undertake, first, to respect human rights in their respective constitutional area and to protect and possibly incorporated into the relevant constitution, but secondly they submit to an international control. The national protection is usually organized by different institutions (Constitutional Court, "Human Rights Commissioner of the Government", etc.), but also accompanied by critical NGOs and national civil public. The international protection is also once implemented by a number of international organizations and institutions (Human Rights Council in Geneva, UN Human Rights Commissioner, monitoring bodies to individual contracts, regional and international human rights courts), on the other but also accompanied by a critical public, now operate on regional and international public. Here are mentioned a number of permanent NGOs, but also ad hoc groups, tribunals and the various media (print, TV, internet) and anonymous campaigns on the Internet and the social networks. The paper examines the functions and tasks of such concomitant national and international publics and tries to assess their importance for the protection of human rights.

Beate Roessler (University of Amsterdam) 亚特·罗德 荷兰阿姆斯特丹大学教授	### Privacy and/in the Public Sphere / 隐私在/和公共领域 Talking about the private in the public *prima facie* seems to be a contradiction: why should privacy have to play a role *within* the public sphere? What could possibly be private in the public? However, quite a number of theories of privacy conceptualize privacy as a protective shield which we carry with us wherever we are: respect for privacy in public then means, for instance, not listening in on private talks between friends on the street or in a cafe. Respect for privacy also means not commenting on, ignoring, odd behaviour in public, exercising what Goffman called "civil inattention" (cf Goffman, 1959; Nagel 2001). The most important form of privacy in public, however, which has gained a lot of attention during the last decade or so is *privacy as anonymity*: the form of privacy in the public sphere, online as well as offline, which means invisibility, non-traceability, not being identifiable as an individual person. Theories of privacy differ as to the possiblity as well as to the desirabilty of anonymity in public contexts, online as well as offline (cf Kerr e.a. 2009; Kizza 2013; Marx 1999). Furthermore, it is interesting to realize that the jurisdiction regulating privacy and anonymity is very different in the various countries (for instance US, Canada, EU; see part IV in Kerr e.a. 2009). In my paper, I investigate into the complicated relations between privacy, anonymity, and the public sphere. I will, firstly, clarify the conceptual relation between privacy and anonymity, drawing on theories which define privacy in terms of (contextually varyfied) conditions enabling individual freedom and autonomy. I will also review some normatively relevant differences between the online and the offline world. In the second part, I will discuss possible normative conflicts between a moral or legal right to privacy and anonymity, and considerations of security, accountability, or moral responsibility. One of the important questions will concern the ethical consequences of the technical possibilities of identification and de-anonymisation in the online world (Koot 2012; Mayer-Schoenberger & Cukier 2013, Kerr e.a. 2009).
Heiner Roetz (Ruhr University Bochum) 罗哲海 德国鲁尔大学东亚系教授	### The Open Society from the Perspective of Chinese History and Philosophy / 从中国历史和哲学的角度看公共领域 An open society together with a pluralistic public sphere is a cornerstone of modernity and a necessary element of democracy. However, the idea of the open society is not generally accepted. It is often attributed to "Western" liberal individualist assumptions that are not easily applicable to non-Western cultures including China. It is among other things argued that the Confucian value orientation with an emphasis on concrete personal rather than abstract impersonal relations does not allow for civil structures constituting an independent realm beyond family and state. Such as value orientation would rather lead to a socio-political system in which the formation of the political will is not achieved by free public deliberation (democratic government by public opinion) but by non public negotiation processes between the government and the corporate units of society (governance with a curb on public debate). Are there cultural limits to the idea of the open society, then, in particular with regard to China? As I see it, such a conclusion would be based on a number of problematic premises. First, there is no one-sided dependence of the political system on

culture, since political systems, above all participatory ones, can themselves be culture-generating. Second, the contemporary Chinese society seems much too diverse to be dominated by Confucian values, let alone family values of a traditional kind. Third, if one nevertheless accepts that China's cultural history is a factor worth to be considered in this context, this cultural history can be brought into the debate in yet another way than as a negative factor inhibiting and restricting an open society. There is textual evidence that forms of open society existed already in ancient China. It is true that already in antiquity they were not always supported by the elite. Nevertheless, China's intellectual heritage offers enough points of reference in order to refute the claim that the open society is an alien element in Chinese culture.

Wan Junren

(Tsinghua University, Beijing, P.R. China)

万俊人 清华大学人文学院哲学系教授

The Puzzlements of Modern Publicity – from a Perspective of Contemporary Political Philosophy

If we say that "universality" means the very purport of all kinds of philosophy, then "publicity" can be regarded as another schema of universality for which contemporary philosophy has been seeking with her commitment to the modern social public transformation. However, how does modern philosophy turn her subject-matter or purport from "universality" to "publicity"? And how has modern publicity been formatted? Or, which kind of publicity has modern philosophy been seeking after all for? Is the "public reason" in John Rawls's term or the "public virtues" in Arendt's term, to be more exact, in Greek's term? These questions justly has made up what I called "the puzzlements of modern publicity" and to which any attempting reasonable systematic response of some kind will make a great effect on or even a remaking-up of the basic approaches and theoretical constitution of contemporary political philosophy.

现代公共性的困惑——一种政治伦理的视角

如果说"普遍性"是所有哲学解释的共同旨趣，那么"公共性"则是现代哲学用以承诺现代社会公共化转型压力所寻求的另一种普遍性图式。现代哲学是如何从普遍性旨趣转向公共性寻求的？现代公共性究竟如何形成？或者，现代哲学所寻求的究竟是何种公共性？是罗尔斯意义上的"公共理性"还是阿伦特——更确切地说，是古希腊——意义上的"公共美德"？这些问题构成了本文所谓的"现代公共性困惑"，而对这些问题做出合理有效的解释或论证，将极大地影响甚至塑造现代政治哲学的基本理路和理论构成方式。

Wang Wen-Sheng (Department of Philosophy, National Chengchi University, Taipei, Taiwan) 汪文圣	**On the Political Freedom in View of the Contrast between „téchne" and „túche" – A Comparison between Arendt and Heidegger** This paper begins with discussion of the thesis that politics is a kind of téchne (art), as Aristotle stated. He defined téchne to be against túche (chance). Hence politics is neither an exact science nor an accidental opinion; it is rather a teachable art of skill (Kunstlehre). Based on this theme, the paper investigates how Hannah Arendt understands the political freedom as the will of the plural citizens who are facing the uncertain future and attempt to still the willing ego's disquiet. A comparison between her and Heidegger could be made, if we further investigate Heidegger's understanding of the political freedom on the basis of his comprehension of the will of Dasein and the appropriative event (Ereignis) of Being. --- 技藝與機運的對立關係來看政治的自由 – 鄂蘭與海德格的比較 汪文圣 國立政治大學哲學系教授 台灣 台北市 汪文聖 此論文始於討論亞里斯多德主張的政治學為一種技藝，他曾界定技藝對反於機運。因而政治學既非精確科學也非偶然的意見，而是一種技藝之學。基於這種論點，本文繼續處理阿倫特瞭解政治自由為複多數公民的意志，他們面對的是︱不確定的未來，故企圖去化解這種意志主體的不安定。接著本文研究海德格基於對於此在的意志與存有的從本有而來之看法，以瞭解政治的自由意涵。如此可做一種介於阿倫特與海德格之間的比較。
Zhao Dunhua (Peking University) 赵敦华 北京大学哲学系教授	**International Justice: The Limit of Social Publicity** / 全球正义：社会公共性的局 The issue of international justice is both theoretical and practical. Being involved difficulties in both perspectives, this issue became one of major problems in public debates between liberalism and conservatism, the Right and the Left, globalization and nationalism, modernity and traditionalism, democratic and centralist claims, etc. This paper wants to clarify key conceptions involved, such as "private" and "public", "society" and "state", "global" and "universal", "ideology" and "management".

Zhao Tingyang (Research Fellow, CASS) 赵汀阳 社科院哲学所研究员	**From Democracy to Publicracy** / 从民主政治到公议政治 Publicracy could be understood as an updated form of democracy, or an improved way to do democracy, on the condition of internet as the new agora, the divergent public opinions and the possibility of re-establishing a legitimated public sphere. The possibility of an improved system of voting to better reflect the rational collective choices will be discussed.
Günter Zöller (University of Munich) 冈特·策勒尔 德国慕尼黑麦克斯米兰大学教授	**Republicity. The Forensic Form of Life** / 公共性：意识的法律形式 The talk places the modern Euro-American ("Atlantic") conception of publicity (*Öffentlichkeit*) into the historical and systematic context of classical and neo-classical political republicanism. Section 1 details the coincidence of publicity and rationality in the account of the public use of reason provided by Immanuel Kant in the European late Enlightenment. Section 2 features the state as the public realm of political deliberation and decision in the twin traditions of the Greek city state (*polis*) and the Roman republic (*res publica*). Section 3 explores the distinction between civil society and the state in Hegel's Political Philosophy as a high-modern retake on the ancient distinction between the private and the public. Section 4 draws on Kant's political neo-republicanism in order to advance a specifically modern conception of participatory publicity. The aim of the talk is to identify the classical and neo-classical "political state" (Hegel), rather than modern civico-commercial society, as the forum in which right and might, reason and power are to be joined in the self-rule of the commonwealth.