

Introduction

TWO KINDS OF CONFUCIAN PERFECTIONISM

Over the past two decades, political theorists of East Asia and beyond have been struggling with nonliberal political regimes and practices pertinent in East Asia's Confucian philosophical and societal contexts, resulting in the emergence of Confucian political theory as an important subfield in political theory. Earlier in this development, the major concern was constructing Confucian democracy as an alternative to the dominant Western-style democracy by critiquing its underlying liberal premises, then dialectically reconnecting the ideals and institutions of democracy, decoupled from liberalism (particularly liberal rights-based individualism), to Confucian ethics and practices.¹ Overall, in its developing stage, Confucian political theory was primarily a democratic project, even though the robustness of its democratic character was sometimes questioned, especially against the societal backdrop of pluralism.

What is distinctive about the more recent developments of Confucian political theory, often formulated in terms of *political meritocracy*, is its deep skepticism of, even objection to, democratic ideals (such as popular sovereignty and political equality) and democratic practices (such as competitive election based on “one person one vote” and universal

¹ Most representative studies in this endeavor are David L. Hall and Roger T. Ames, *The Democracy of the Dead: Dewey, Confucius, and the Hope for Democracy in China* (Chicago: Open Court, 1999); Sor-hoon Tan, *Confucian Democracy: A Deweyan Reconstruction* (Albany: State University of New York Press, 2004); Brooke A. Ackerly, “Is Liberalism the Only Way toward Democracy? Confucianism and Democracy,” *Political Theory* 33:4 (2005), pp. 547–576.

political participation).² Daniel Bell, an ardent advocate of political meritocracy, defines the term as “the idea that a political system should aim to select and promote leaders with superior ability and virtue.”³ Most often, in efforts to justify their normative position, advocates of Confucian political meritocracy draw attention to various social and political problems of Western liberal democracies – problems that they argue are directly correlated with popular sovereignty and political equality. Some even point to the recent economic success of China or Singapore to make a case for political meritocracy. Bell is most vocal in this regard when he asserts, “the world is watching China’s experiment with meritocracy. China, unlike Singapore, can ‘shake the world.’ In the early 1990s, nobody predicted that China’s economy would rise so fast to become the world’s second largest economy. In twenty years’ time, perhaps we will be debating how Chinese-style political meritocracy set an alternative model – and perhaps – challenge to Western-style democracy.”⁴

Justification for Confucian meritocracy as a normative theory goes even further than these practical concerns. Though varied in their individual proposals, advocates of Confucian meritocracy largely share some *perfectionist* assumptions: (1) Confucian ethics is a kind of perfectionist ethics that assumes the existence of an objectively good life and thus aims for moral perfection of the people; (2) given the inseparability between Confucian ethics and politics, the supreme goal of Confucian politics lies in promoting the objectively good life (as stipulated in Confucian ethics) as well as securing socioeconomic conditions that enable such a life; and therefore (3) the state in a Confucian polity is morally authorized to promote a particular (Confucian) conception of the good life in a non-coercive way. There are two underlying arguments here: first, democracy

² Tongdong Bai, *China: The Political Philosophy of the Middle Kingdom* (New York: Zed Book, 2012); Daniel A. Bell, *Beyond Liberal Democracy: Political Thinking for an East Asian Context* (Princeton: Princeton University Press, 2006); idem., *The China Model: Political Meritocracy and the Limits of Democracy* (Princeton: Princeton University Press, 2015); Joseph Chan, *Confucian Perfectionism: A Political Philosophy for Modern Times* (Princeton: Princeton University Press, 2014); Ruiping Fan, *Reconstructionist Confucianism: Rethinking Morality after the West* (Dordrecht: Springer, 2010); Jiang Qing, *A Confucian Constitutional Order: How China’s Ancient Past Can Shape Its Political Future*, eds. Daniel A. Bell and Ruiping Fan and trans. Edmund Ryden (Princeton: Princeton University Press, 2013).

³ Daniel A. Bell, “Introduction: The Theory, History, and Practice of Political Meritocracy,” in *The East Asian Challenge for Democracy: Political Meritocracy in Comparative Perspective*, eds. Daniel A. Bell and Chenyang Li (New York: Cambridge University Press, 2013), p. 7.

⁴ *Ibid.*, p. 5.

is largely instrumentally valuable or altogether unimportant as long as the perfectionist ends are promoted by the state without the use of violence or illegitimate coercion, and second, the key agents of state perfectionism are “leaders with superior ability and virtue.”

When philosophically justified in terms of perfectionism, Confucian meritocracy poses a formidable challenge to Confucian democrats wrestling with democratic citizenship and participation in the Confucian societal context. Simply put, it is difficult for Confucian democrats to deny the heavy perfectionist elements in early Confucianism, by which both they and the champions of Confucian meritocracy are equally inspired,⁵ and therefore it is also difficult for them to reject the attempt to rejuvenate and enact Confucian perfectionism and by implication Confucian meritocracy – or, put together, *Confucian meritocratic perfectionism* – in modern East Asian societies with a Confucian heritage. Thus, it is not surprising that David Hall and Roger Ames, advocates of Deweyan Confucian democracy, condone, if not actively support, political meritocracy, notwithstanding their strong commitment to universal political participation.⁶ The dilemma for them and many other “Confucian” democrats, including myself, is therefore as follows: on the one hand, Confucian democrats are also perfectionist as long as they wish to make East Asian polities a *Confucian* (democratic) polity, and hence nonneutral to other competing ideas of the good life including liberalism;⁷ on the other hand, Confucian democrats embrace democracy (and the ideals and values integral to it such as popular sovereignty and political equality) as non-instrumentally valuable under the modern circumstances of social diversity, value pluralism, and moral disagreement, and reject (or wish to reject) political elitism implicated in traditional Confucian ethics and

⁵ Deweyan Confucian democrats such as David Hall and Roger Ames (and arguably Sor-hoon Tan) offer an interesting case because while they do not believe that Confucian ethics is premised on the existence of the objective good and instead understand Confucianism mainly as an aesthetic ideal of human creativity in which each person is author of her or his own life, their communitarian political vision is clearly perfectionist, aimed at moral growth of the people.

⁶ For criticisms on the elitist components in Hall and Ames’s vision of Deweyan Confucian democracy, see Shaun O’Dwyer, “Democracy and Confucian Values,” *Philosophy East and West* 53 (2003), pp. 39–63, esp. pp. 53–57, and Sungmoon Kim, “John Dewey and Confucian Democracy: Towards Common Citizenship,” *Constellations* 22:1 (2015), pp. 31–43.

⁷ Liberalism is often regarded as a universal moral system, neutral to other comprehensive moral values. I contest this conventional wisdom, particularly in Chapter 2, by critically engaging with Rawls’s political liberalism, arguably the most neutral form of contemporary liberalism.

political philosophy.⁸ We can call this dilemma faced by Confucian democrats the *perfectionism dilemma*.

The aim of this book is twofold. First, it attempts to relieve Confucian democrats from the perfectionist dilemma by defending *Confucian democratic perfectionism*, a mode of comprehensive Confucian perfectionism that not only can accommodate the plurality of values in civil society but also is fully compatible with constitutive values of democracy such as popular sovereignty, political equality, and the right to political participation. After defending Confucian democratic perfectionism against the recent challenge of Confucian meritocratic perfectionism, it then explores what I call *public reason Confucianism*, a particular style of Confucian democratic perfectionism that is, as will be argued, the most attractive option in contemporary East Asian societies that are historically and (public) culturally Confucian.

DIFFICULTIES OF CONFUCIAN MERITOCRATIC PERFECTIONISM

One of the major problems in recent proposals of Confucian meritocratic perfectionism is their shifting attitudes toward democracy. For instance, while arguing for the perfectionist promotion of Confucian values (such as filial piety) and family-oriented public policies (such as family ownership of property) in East Asian countries,⁹ Daniel Bell finds it “tempting to conceive of the possibility of reconciling the Confucian emphasis on rule by wise and virtuous elites [required due to the sheer complexity of public affairs] with the democratic values of popular participation,

⁸ Note that even the strongest Confucian critics of Confucian political meritocracy have yet to advance a coherent normative stance toward perfectionism on which Confucian meritocracy is justified, leaving their critique incomplete from a philosophical standpoint. For instance, see Sor-hoon Tan, “Beyond Elitism: A Community Ideal for a Modern East Asia,” *Philosophy East and West* 59 (2009), pp. 537–553. I admit that the same criticism is equally applicable to my earlier work *Confucian Democracy in East Asia: Theory and Practice* (New York: Cambridge University Press, 2014) in which I did not show in a philosophically lucid and systematic way how the nonneutral promotion of Confucian public reason can be compatible with intrinsic values of democracy in the societal context of value pluralism. In this current work, I attempt to provide a more robust philosophical foundation for my normative idea of Confucian democracy from a perfectionist standpoint.

⁹ Bell, *Beyond Liberal Democracy*, pp. 243–251; Daniel A. Bell, “Confucian Constraints on Property Rights,” in *Confucianism for the Modern World*, eds. Daniel A. Bell and Chaibong Hahm (Cambridge: Cambridge University Press, 2003), pp. 218–235.

accountability, and transparency.”¹⁰ Famously, Bell’s solution is to create a bicameral legislature, with a democratically elected lower house and a “Confucian” upper house composed of representatives selected on the basis of competitive examinations in the Confucian classics, among other things. What imparts to this arrangement a distinctively “Confucian” mark is the constitutional formula providing supermajorities in the upper house with the right to override majorities in the lower house.¹¹ Bell’s institutional proposal, which resonates strongly with the Chinese Confucian scholar Jiang Qing’s tricameralism (consisting of the house of Confucian scholars, the house of the nation, and the house of the people),¹² has influenced many contemporary Confucians, though these scholars – whom I call throughout this book advocates of Confucian meritocracy or simply Confucian meritocrats – disagree on what should be the proper method of nondemocratic selection of members of the upper house: while Tongdong Bai and Ruiping Fan embrace Bell’s exam model,¹³ Joseph Chan and Chenyang Li prefer recommendation over examination.¹⁴

It is important whether or not Confucian meritocrats’ institutional proposals are politically plausible in contemporary East Asian societies, but this practical question goes beyond the scope of this book. My prominent concern here is rather with a theoretical difficulty underlying such proposals, that is, whether or not these scholars can have both (bits of) meritocracy and (bits of) democracy in their proposed way(s), which they understand as grounded in completely different, even opposing, sources of legitimacy, without compromising the theory’s internal coherence. If we prefer “Confucian democracy” over liberal democracy solely

¹⁰ Bell, *Beyond Liberal Democracy*, p. 152. ¹¹ *Ibid.*, pp. 165–172.

¹² Jiang Qing, *Zhengzhi Ruxue: Dangdai Rujia de zhuanxiang, tezhi yu fazhan* [Political Confucianism: Contemporary Confucianism’s Challenge, Special Quality, and Development] (Beijing: San lian shu dian, 2003). For a helpful English summary of Jiang’s tricameralism, see Albert H. Y. Chen, “Three Political Confucianism and Half a Century,” in *The Renaissance of Confucianism in Contemporary China*, ed. Ruiping Fan (Dordrecht: Springer, 2011), pp. 205–223. Also see Jiang, *Confucian Constitutional Order*.

¹³ Tongdong Bai, “A Confucian Version of Hybrid Regime: How Does It Work, and Why Is It Superior?” in *East Asian Challenge for Democracy*, pp. 55–87; Fan, *Reconstructionist Confucianism*, pp. 62–63. In his recent essay, though, Fan finds Jiang’s original tricameralism more convincing, at the pinnacle of which lies the transcendental authority of Heaven, and deliberately distances himself from other Confucianists, who are, in his view, “secular liberal.” See his “Confucian Meritocracy for Contemporary China,” in *East Asian Challenge for Democracy*, pp. 88–115.

¹⁴ Chan, *Confucian Perfectionism*, pp. 100–109; Chenyang Li, “Equality and Inequality in Confucianism,” *Dao* 11 (2012), pp. 295–313.

because of the substantive, putatively Confucian goods it can bring about,¹⁵ in other words, if our perfectionist justification of Confucian democracy is entirely consequentialist, why do we care about democratic procedures such as popular election operating on the principle of “one person one vote (OPOV),” even in the lower house or in local public affairs? What good (Confucian) consequences can we reasonably expect from such democratic institutional mechanisms?¹⁶ Why not simply advocate a traditional Confucian one-man monarchy, operating on the idea of a benevolent government (*renzheng* 仁政) or Platonic philosopher-kingship, if what matters is good consequences *and* if good consequences are correlated in a non-question begging way with the ruling elites’ epistemic competence and moral virtue?¹⁷ Or, if we reject (for the most part) democratic ideals of popular sovereignty, political equality, and the right to political participation in our meritocratic understanding of Confucian democracy, on what normative grounds can we justify democratic practices of popular election and political participation, and how can they be justified in ways that can simultaneously and coherently endorse the value of meritocracy, again understood as rule by the elite, and its attendant political institutions? Moreover, if we need to introduce democratic mechanisms into our preferred meritocratic institutional settings in order to check the meritorious upper house, why do we not simply opt for equally nondemocratic or less democratic measures, such as a nondemocratically selected judiciary or bureaucracy, as the counterbalancing force of our otherwise “knowledgeable and virtuous” leaders? But if members of the meritorious upper house also need to be checked by and held accountable to ordinary citizens, what is the point of pitting meritocracy against democracy in the first place? Why do we not instead reconceptualize democratic representation (e.g., with emphasis on the co-subject dimension of our citizenship as much as its co-author dimension) and/or devise new institutional mechanisms of democracy that can make political

¹⁵ Bell’s strong emphasis on good economic performance in some East Asian countries as a justification for *Confucian* meritocratic perfectionism is puzzling in this regard.

¹⁶ Joseph Chan seems to be the only Confucian meritocrat who offers an answer to this question and he does so in terms of democracy’s institutional expression of the mutual commitment of the ruler and the ruled (*Confucian Perfectionism*, p. 86).

¹⁷ Among recent Confucian perfectionists, Kang Xiaoguang appeals directly to the Confucian ideal of benevolent government for his antidemocratic political paternalism. See his *Renzheng: Zhongguo zhengzhi fazhan de disantiao daolu* [Benevolent Government: A Third Road for the Development of Chinese Politics] (Singapore: Global Publishing, 2005).

decisions epistemically superior as well as politically accountable?¹⁸ In short, why should we care about democracy (even the Schumpeterian minimal democracy) if we are strongly convinced of the disvalue of democracy?

We can approach the same issue from a related yet somewhat different angle. Political scientists working in the field of democratic transition and consolidation have long struggled with the problem of what Giovanni Sartori aptly called “conceptual stretching.”¹⁹ According to Sartori, a qualitative (i.e., value-ridden or normative) concept such as democracy travels and ought to travel to different cultural contexts, and because of this conceptual traveling we can have an interesting category of comparative political analysis. The problem is that when traveling across cultures, the concept in question is often stretched and this poses a critical obstacle to reliable measurement and rigorous comparison. This is not to say that conceptual traveling always presents a liability in social science research – quite to the contrary, it can occasionally contribute to conceptual innovation. For instance, if we understand democracy minimally in terms of periodic competitive election, the proliferation of various conceptual forms of democracy, or “democracy with adjectives,” is the most likely consequence. In fact, contemporary political science is saturated with alternative conceptual forms such as “authoritarian democracy,” “neo-patrimonial democracy,” “military-dominated democracy,” and “proto-democracy.”²⁰ The challenge for political scientists, then, is how to achieve conceptual innovation without abandoning the precision of the concept.

“Confucian democracy” is a powerful instance of conceptual traveling and an interesting case of democracy with adjectives. We can celebrate Confucian democracy as a concept only if it illuminates a form of democracy, distinct not only from various sorts of liberal democracies but also from other forms of non-Western democracies. Though Confucian

¹⁸ On recent democratic theory in this direction, see Hélène Landemore, *Democratic Reason: Politics, Collective Intelligence, and the Rule of the Many* (Princeton: Princeton University Press, 2013); David Estlund, *Democratic Authority: A Philosophical Framework* (Princeton: Princeton University Press, 2008).

¹⁹ Giovanni Sartori, “Conceptual Misformation in Comparative Politics,” *American Political Science Review* 64:4 (1970), pp. 1033–1053. Also see David Collier and James E. Mahon, JR., “Conceptual ‘Stretching’ Revisited: Adapting Categories in Comparative Analysis,” *American Political Science Review* 87:4 (1993), pp. 845–855.

²⁰ David Collier and Steven Levitsky, “Democracy with Adjectives: Conceptual Innovation in Comparative Research,” *World Politics* 49:3 (1997), pp. 430–451, at p. 431.

democracy, by definition, does not have to be modeled after a Western-style liberal democracy, it must meet certain minimum requirements to be called a “democracy” at all. For political scientists such minimums include, among other things, regular competitive election both for selection of political representatives and for peaceful handover of political power, as well as an autonomous civil society that can offer citizens a space for public contestation.²¹ What should not be forgotten here are the things implicated with these institutional minimums (and other additional institutional arrangements) – namely the foundational democratic ideals of popular sovereignty, political equality, and the right to participation.²²

As a subject of comparative political analysis, Confucian democracy may be characterized by its own unique modes of electoral system, election mechanism, civil society, political authority, and the relationship between state and civil society, qualitatively (or culturally) different from those we are familiar with in Western liberal democracies. In addition, the way democratic ideals of popular sovereignty, political equality, and the right to political participation are manifested in Confucian democracy might also be distinguished from the way they are understood and practiced in Western liberal democracies. And of course, Confucian democracy can have additional cultural institutions, practices, and values that may reinforce, supplement, or, if necessary, constrain democratic institutions and practices of Western provenance, as long as they do not undermine democratic ideals or principles that citizens have constitutionally affirmed. In no event, however, can our refusal to model blindly Western-style liberal democracy and explore instead a Confucian democracy lead us to support a polity that demands serious compromises of democratic ideals themselves, which make democracy morally valuable. What we deal with then is not so much an innovated concept of democracy but a democracy whose concept has been stretched, a regime that goes beyond not only liberal democracy but democracy in toto.²³

It is true that there is meaningful difference between normative political theory, aimed at a philosophical articulation of the normatively attractive mode of democracy, and empirical political science, the main interest of which lies in producing a reliable category of scientific measurement and

²¹ Robert A. Dahl, *Polyarchy: Participation and Opposition* (New Haven: Yale University Press, 1971).

²² See Robert A. Dahl, *On Democracy* (New Haven: Yale University Press, 1998).

²³ This is the criticism raised by Fred Dallmayr to Daniel Bell's *Beyond Liberal Democracy*. See his “Exiting Liberal Democracy: Bell and Confucian Thought,” *Philosophy East and West* 59 (2009), pp. 524–530.

comparison.²⁴ That said, the lesson from the problem of conceptual stretching for a normative theory of Confucian democracy is rather obvious: it is implausible to adopt the institutions of democracy (mainly election), without its underlying principles and values, by arbitrarily decoupling the concept of democracy from its related philosophical postulates.²⁵ From a philosophical standpoint, however, democracy is a constellation of interrelated postulates such as popular sovereignty, political equality, and the right to political participation. As I said earlier, what kind of a constellation Confucian democracy is and how distinct it is from other democracies are valid questions, philosophically as well as empirically. It seems arbitrary, for instance, to espouse democratic election based on the principle of OPOV without acknowledging the underlying moral principle of political equality.²⁶ And as I show in Chapter 6, when we embrace popular sovereignty and political equality as related postulates of democracy, it is difficult not to acknowledge the right to political participation as another postulate of democracy, given the moral demand to respect every citizen's dignity and his or her material and moral interests.

That being said, there are seemingly three ways to address these difficulties of Confucian meritocratic perfectionism. One way to forestall the charge of conceptual overstretching is to rename what has been called Confucian democracy with, for example, "Confucian aristocracy" (Ruiping Fan), "Confucian constitutionalism" (Jiang Qing), "Confucian perfectionism" (Joseph Chan), "Confu-China" (Tongdong Bai), or simply "(Confucian) political meritocracy" (Daniel Bell). That is, we can simply shift our conceptual focus away from Confucian democracy to something else that contains some democratic components. However, this move does not fully relieve the theoretical difficulties we have discussed thus far. Our earlier questions – *why should we bother with democracy if its disvalue is*

²⁴ I regret though that sometimes this difference becomes too significant for empirical political scientists in democracy studies and normative democratic political theorists to have an intelligent and productive conversation.

²⁵ For a crucial importance of the coherent relation among postulates for theory-building, see Michael Oakeshott, *On Human Conduct* (Oxford: Clarendon, 1975).

²⁶ My judgment is supported by works such as Jeremy Waldron, *Law and Disagreement* (Cambridge: Cambridge University Press, 1999); Henry S. Richardson, *Democratic Autonomy: Public Reasoning about the Ends of Policy* (New York: Oxford University Press, 2002); Corey Brettschneider, *Democratic Rights: The Substance of Self-Government* (Princeton: Princeton University Press, 2007); Thomas Christiano, *The Constitution of Equality: Democratic Authority and Its Limits* (Oxford: Oxford University Press, 2008).

so obvious and practically unbearable? and what is the normative basis for election given the rejection of political equality? – still remain unanswered.

Another, more plausible, way to avoid these sorts of theoretical difficulties is to call the polity in which meritocratic and democratic institutions are mixed a “mixed regime” in the sense that Western republican theorists, most notably Aristotle and Montesquieu, understood the term.²⁷ This, however, raises a different theoretical difficulty. In the republican tradition a mixed regime is pursued not merely to attain political order and stability, but, far more importantly, to secure political liberty and public freedom – hence Montesquieu’s fascination with the constitution of England. Ironically, the best modern example of a mixed regime is found in the United States of America, the most frequent target of criticism by Confucian meritocrats as the epitome of all negative things that liberal democracy stands for. Daniel Deudney famously dubbed the American constitutional system (i.e., the Philadelphian system) as “negarchy,” a mixed regime that structurally resists both one-man tyranny and the tyranny of majority, thereby creating a space for political liberty and public freedom.²⁸ Deudney shows not only that a mixed regime, whose polar opposite is despotism, aims at a particular set of political goods, all revolving around political liberty, which most Confucian meritocrats either reject outright (by associating them with liberalism) or simply bypass, but also that there is no inherent tension between a mixed regime and (constitutional) democracy with all its conceptual postulates.²⁹ This is essentially a matter of institutional design.

Though there is no *prima facie* reason that a Confucian mixed regime must be modeled after either the Roman-republican or American-democratic mixed regime, we cannot brush away the overarching political purpose of instituting a mixed regime and the regime’s coherent operative

²⁷ For instance, see Bai, “Confucian Version of Hybrid Regime.”

²⁸ Daniel H. Deudney, “The Philadelphian System: Sovereignty, Arms Control, and Balance of Power in the American States-Union, circa 1787–1861,” *American Political Science Review* 49:2 (1995), pp. 191–228.

²⁹ This does not mean that an American-style democratic negarchy, focused on resistance, is most effective in “getting things done” but this practical difficulty, characteristic of American democracy, does not directly vindicate the disvalue of democracy. For statements addressing this issue from the perspective of democratic theory, see Jane Mansbridge, “On the Importance of Getting Things Done,” *PS: Political Science and Politics* 45:1 (2012), pp. 1–8; Mark E. Warren and Jane Mansbridge et al., “Deliberative Negotiation,” in *Negotiating Agreement in Politics*, eds. Jane Mansbridge and Cathie J. Martin (Washington, DC: American Political Science Association, 2013), pp. 86–120.

mechanism serving that purpose. In any event, we cannot rationalize any undisciplined (philosophically as well as politically) mixing of a bit of aristocracy and a bit of democracy in the name of mixed regime, as understood in political theory, without laying out the supreme purpose of the regime and articulating how the regime coherently buttresses its constitutional goal, especially when we reject or only selectively embrace democratic principles of popular sovereignty, political equality, and the right to political participation. As they stand, proposals for a “Confucian mixed regime,” singularly concentrated on the tyranny of the many and which wrongly identifies it as the natural outcome of popular sovereignty, do not clearly articulate which moral and political goods the regime stands for and how to guard the guardians. They offer neither convincing empirical evidence to demonstrate nor a compelling philosophical reason for why political meritocracy, as they define the term, is normatively superior to representative democracy, which is just another good example of the mixed regime.³⁰

Finally, one can avoid the theoretical difficulties of Confucian meritocratic perfectionism by embracing democracy largely for instrumental reasons, and this is the strategy many liberal perfectionists employ. Steven Wall, for one, vindicates the idea that perfectionism is a kind of consequentialism with his notion of *complex instrumentalist monism* in justifying political authority and the legitimacy of political procedures. In his critique of Thomas Christiano’s dualistic account of justified democratic authority,³¹ Wall expounds upon instrumentalist monism, according to which the legitimacy of political procedures (democratic or otherwise) is evaluated solely in terms of their results.³² In his argument

³⁰ For meritocratic elements of Western liberal representative democracy, see Philip Pettit, “Meritocratic Representation,” and Stephen Macedo, “Meritocratic Democracy: Learning from the American Constitution,” both in *East Asian Challenge for Democracy*, pp. 138–157 and pp. 232–256, respectively. Also see Jane Mansbridge, “A ‘Selection Model’ of Political Representation,” *Journal of Political Philosophy* 17:4 (2009), pp. 369–398; Jane Mansbridge, “Clarifying Political Representation,” *American Political Science Review* 105:3 (2011), pp. 621–630.

³¹ To note briefly, the dualistic account of democratic authority establishes two evaluative stances in the assessment of democracy, both procedural and substantive. According to this view, “[a] conception of democratic authority must show that while decisions can be evaluated from an independent standpoint, the fact that the democratic assembly has made the decisions gives each person a pre-emptive and content-independent reason for complying.” See Thomas Christiano, “The Authority of Democracy,” *Journal of Political Philosophy* 12:3 (2004), pp. 266–290, at p. 268.

³² Steven Wall, “Democracy, Authority, and Publicity,” *Journal of Political Philosophy* 14:1 (2006), pp. 85–100.

Wall distinguishes complex instrumentalist monism, his preferred view, from simple instrumentalist monism. The distinctive feature of complex instrumentalist monism is that it focuses not only on the “tasks of government,” the problems that citizens need government to solve, but also on the “effects of governing,” that is, the full range of consequences of governing.³³ Simply put, complex instrumentalist monism promotes the good tasks of government, the direct target of its consequentialism, as well as the good effects of governing without developing an internal contradiction. In this view, democratic values, such as public equality, common citizenship, and political participation, are not so much the tasks of government but the effects of governing. Wall asserts that “the complex view . . . rejects the claim that democratic procedures are intrinsically just. That is, it rejects the claim that the method by which political decisions are made should be intrinsically fair, irrespective of its contribution to good outcomes.”³⁴

Wall’s view has strong resonance with Joseph Chan’s moderate perfectionism, by which several Confucian meritocrats are inspired.³⁵ Since I thoroughly examine in Chapter 1 whether Chan’s instrumental justification of democracy (and his notion of moderate perfectionism) offers a philosophically robust justification for Confucian meritocratic perfectionism in contemporary East Asia, let us point out just two difficulties here, those that in my view pose a general, more critical challenge for Confucian meritocratic perfectionists than for liberal perfectionists. The first difficulty arises from the elitism that Confucian meritocratic perfectionists tend to endorse but to which liberal perfectionists explicitly object.³⁶ As noted, Confucian meritocratic perfectionists tend to tie their perfectionism too tightly to political elitism by integrating meritocratic institutions into their overall normative vision, such as the nondemocratically selected upper house, justified independently of core democratic ideals. Once integrated into a perfectionist theory, elitism, working through the coercive power of the state, slowly corrodes the normative force of democratic institutions and practices from within that are only instrumentally justified, then transforms the ostensibly democratic regime into something qualitatively different. This sort of normative corrosion does not

³³ Ibid., pp. 95–96 ³⁴ Ibid., p. 96.

³⁵ See Joseph Chan, “Democracy and Meritocracy: Toward a Confucian Perspective,” *Journal of Chinese Philosophy* 34:2 (2007), pp. 179–193.

³⁶ Steven Wall, *Liberalism, Perfectionism and Restraint* (Cambridge: Cambridge University Press, 1998), pp. 15–17; George Sher, *Beyond Neutrality: Perfectionism and Politics* (Cambridge: Cambridge University Press, 1997), pp. 5–6.

necessarily happen in liberal perfectionism (though it is possible) because valuing democracy for instrumental reasons is not directly tantamount to taking it lightly, nor does it necessitate a search for an alternative non-democratic or partially democratic regime. In short, while the *why democracy?* question does not necessarily arise for liberal perfectionists, it constantly hunts down Confucian meritocratic perfectionists because of their political elitism.

The second difficulty of Confucian meritocrats' instrumental adaptation of democracy is related to what Jeremy Waldron calls *circumstances of (modern) politics*, which are marked by value pluralism and moral disagreement, and which increasingly characterize East Asian societies. The gist of this difficulty lies in how Confucian perfectionism as a comprehensive moral doctrine (à la Rawls) can come to terms with the plurality of values in civil society and the moral disagreement resulting from it when it is undergirded on nondemocratic political meritocracy. Once again, liberal perfectionists are less vulnerable to this difficulty, if not completely insulated from it, first, due to their outright rejection of any form of elitism, second, due to their perfectionist valorization of personal autonomy, and third, due to their comprehensive commitment to liberalism, which *together* work favorably to make room for and support pluralism.³⁷ Given the coerciveness of political power and law, how can Confucian perfectionism, operating on nondemocratic meritocracy, effectively accommodate and further avoid unjust suppression of citizens' diverse moral interests? Under the fact of pluralism, on what basis can we determine the *merit* of the members of the meritocratic upper house or the "constitutional academy," the highest constitutional authority of the putative Confucian polity, without being embroiled in moral controversy and political contestation?³⁸ If the merit in question is solely based on (fully comprehensive) Confucianism or, more problematically, it is what the (Confucian) elites declare it to be, how can we promote the *differentiated* moral well-being of citizens in a pluralist society?³⁹

The theoretical difficulties that Confucian meritocratic perfectionism is chronically exposed to and the unsatisfactory responses to them give rise to a need for an alternative normative political theory that is both

³⁷ Joseph Raz, *The Morality of Freedom* (Oxford: Clarendon, 1986); Sher, *Beyond Neutrality*, pp. 45–105; Wall, *Liberalism, Perfectionism and Restraint*, pp. 127–182.

³⁸ For the proposal of the Confucian-style constitutional academy, see Ngoc Son Bui, "Beyond Judicial Review: The Proposal of the Constitutional Assembly," *Chinese Journal of Comparative Law* 2:1 (2013), pp. 43–77.

³⁹ I raised the same question in *Confucian Democracy*, pp. 87–92.

Confucian-perfectionist and robustly democratic, as well as more responsive to the fact of pluralism. I present Confucian democratic perfectionism as such an alternative and articulate public reason Confucianism as the most attractive version of Confucian democratic perfectionism practicable in contemporary East Asia.

CONFUCIAN DEMOCRATIC PERFECTIONISM

Two conditions

As a form of Confucian perfectionism, Confucian democratic perfectionism embraces the perfectionist element of Confucian meritocratic perfectionism, but as a democratic perfectionism it objects to the elitist aspect of Confucian meritocratic perfectionism by making integral to it core democratic values of popular sovereignty, political equality, and the right to political participation, thereby shaping Confucian perfectionism in ways compatible with the plurality of values.

First, like Confucian meritocratic perfectionism, Confucian democratic perfectionism is based on the conviction that in a modern East Asian, historically Confucian, society, the state is permitted to publicly promote a (characteristically) Confucian way of life, at the heart of which lies a constellation of values such as, but not limited to, filial piety, ritual propriety, respect for elders, ancestor worship, harmony within the (extended) family, and social harmony. More specifically, the state can implement public policies aimed to promote Confucian values such as a reduced tax rate for “filial sons and daughters” who live with and/or economically support their aged parents, or make laws that, for example, prohibit filing criminal complaint against one’s family members and enhance punishment for crimes committed against family members.⁴⁰

⁴⁰ For instance, South Korea’s Criminal Code prohibits filing of criminal complaint against one’s (and the spouse’s) lineal ascendants (Articles 224 and 235) and imposes enhanced punishment for crimes committed against one’s lineal ascendants (Articles 250[2] and 259[2]) and recently the Korean Constitutional Court reaffirmed the provisions’ constitutionality, proclaiming the Korean polity’s perfectionist commitment to traditional Confucian values, especially filial piety. For a detailed analysis of the Court’s decisions, see Marie S. H. Kim, “Confucianism that Confounds: Constitutional Jurisprudence on Filial Piety in Korea,” in *Confucianism, Law, and Democracy in Contemporary Korea*, ed. Sungmoon Kim (London: Rowman & Littlefield International, 2015), pp. 57–80. Note that while celebrating filiality-enhancing criminal provisions such as those mentioned, Confucian democratic perfectionism, committed to public equality as shall be discussed shortly, rejects the traditional Confucian priority to lineal ascendants in

Furthermore, citizens (especially young citizens) are encouraged, at least in public schools, to cultivate Confucian values mentioned earlier as *civic virtues*, along with other typical civic virtues such as patriotism, public-spiritedness, tolerance, and reciprocity.

However, unlike Confucian meritocratic perfectionism (at least its most common variations), Confucian democratic perfectionism neither upholds a perfect or monistic congruence between Confucian ethics and Confucian politics nor aims at moral perfection of the people. Its perfectionist dimension is much more moderate, in the sense of permitting the state's nonneutral commitment to a constellation of Confucian values that citizens in East Asia still broadly share and practice despite their diverse private moral values and/or religious faiths. Here two conditions are worth close attention, conditions that combine to contribute to the moderateness of Confucian perfectionism. First, the values to be promoted publicly are ones affirmed in the Confucian tradition as *Confucian* (with all its intracultural variations), either culturally or philosophically, and continue to be practiced by East Asian citizens who otherwise subscribe to diverse comprehensive doctrines as private individuals, even though the actual practice of such values might have changed rather dramatically in modern times. Put differently, these publicly promoted values must have a meaningful historical connection with traditional Confucianism but do not have to manifest themselves in the modern context the way they did traditionally where Confucianism entertained moral, religious, and political orthodoxy, as what John Rawls calls a (fully) comprehensive doctrine. Let us call this the *continuity condition*.

Second, these Confucian values do not merely refer to discrete values or certain "items" of values without cultural or philosophical connections among themselves. They exist as a constellation of internally related values that together express their cultural intelligibility. Suppose that the Confucian state promotes filial piety (*xiao* 孝) as a public value. Given the inextricable cultural and philosophical intertwinement between filial piety and other Confucian values such as respect for elders, fraternal love, ritual propriety, ancestor worship, and harmony within the family, it is not only practically difficult but unreasonable to allow the state to promote this value alone, but not other related values, as if they can be separated from one another conveniently. For instance, if the putative

criminal protection. Also see Lusina Ho, "Traditional Confucian Values and Western Legal Frameworks," in *Confucianism for the Modern World*, pp. 288–311, for the Confucian influence on the law of succession in East Asian countries.

Confucian state is no longer interested in ancestor worship publicly and dissociates it by law from filial piety and harmony within the family, values with which it has been traditionally affiliated, this implies that the corresponding public meanings of filial piety and harmony within the family have also significantly altered. Likewise, if filial piety is no longer practiced in a ritually appropriate way, however socially contestable the meaning of appropriateness can be in the modern society, it would be extremely difficult to call it *xiao* as the Confucian cultural tradition has understood the term. The value or virtue in question can be called filial piety but obviously filial piety per se is not an exclusively Confucian asset. The value's Confucian credential can reasonably be put into doubt unless it is shown that it is an inseparable part of a constellation of internally entwined values or virtues that is intelligibly Confucian as a whole. Let us call this Confucian democratic perfectionism's *intelligibility condition*.

Though each of these conditions speaks for a different dimension of Confucian democratic perfectionism (i.e., contemporary social relevance and internal coherence), they are intimately related and together make Confucian democratic perfectionism a moderate perfectionism. Briefly put, they enable Confucian democratic perfectionism to be compatible with the plurality of values, without forsaking the comprehensive moral character of Confucianism as a way of life. In other words, these two conditions combine to render Confucian democratic perfectionism a comprehensive philosophical doctrine that is only *partially* comprehensive.⁴¹ As will be discussed shortly, the partial comprehensiveness of Confucian democratic perfectionism is further reinforced by its democratic dimension, which morally requires comprehensive Confucianism to adapt to democratic-constitutional principles (such as gender equality) and institutions, especially those undergirding democratic rights.

Thus far, we have examined how Confucian democratic perfectionism is inspired by but distinct from Confucian meritocratic perfectionism. What distinguishes Confucian democratic perfectionism from Confucian meritocratic perfectionism more decisively, however, is its outright rejection of political elitism; its embrace of democratic principles of popular sovereignty, political equality, and the right to political participation as non-instrumentally valuable; and its institutional dependence on democratic

⁴¹ For a distinction between *full* and *partial* comprehensive doctrine, see John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), p. 13. I fully engage with this distinction in Chapter 4 where I reconstruct public reason Confucianism as a partially comprehensive Confucianism and distinguish it from traditional Confucianism.

constitutionalism. Simply put, Confucian democratic perfectionism stipulates that Confucian perfectionism that meets both the continuity condition and the intelligibility condition must be carried out only by a democratic state. Then, what is *democratic perfectionism*, of which Confucian democratic perfectionism is a culturally specialized subset?

Democratic perfectionism

Democratic perfectionism is one of the most underdeveloped concepts (and theories) in contemporary political theory. In some sense, the lack of philosophical interest in this concept is surprising because many democratic political theorists who either oppose state neutrality or are wary of unreasonable pluralism support the (democratic) state's nonneutral commitment to certain democratic goods or purposes (most importantly, democratic citizenship) and the "secondary" goods that would be instrumental to the promotion of democratic goods. For instance, Benjamin Barber argues that

[t]o insist on [the democratic good of] inclusion for democratic forms of community is, ironically, to define civil society non-inclusively! Not every community meets the standard. . . . Biting the bullet, advocates of strong democratic civil society acknowledge that they are less than neutral: their conception of civil society is a rather restricted subset of all possible forms of association, and they limit it to forms that are at least nominally or potentially democratic and open.⁴²

This view presented by Barber is widely shared by civic liberals and democrats who, most tellingly, contest the majority decision of the *Wisconsin v. Yoder* litigation in 1972 in which the court upheld Amish parents' right to free religious exercise over common democratic citizenship, including their right to not send their teenage children to public school where they could be "contaminated" by secular liberal values of the mainstream American society.⁴³

In addition, while Amy Gutmann was the first political theorist to introduce the term "democratic perfectionism" to democratic theory,

⁴² Benjamin R. Barber, *A Place for Us: How to Make Society Civil and Democracy Strong* (New York: Hill and Wang, 1998), pp. 52–53.

⁴³ *Wisconsin v. Yoder*, 406 U.S. 205 (1972). See the views that give priority to common democratic citizenship over cultural or religious membership, Amy Gutmann, *Democratic Education* (Princeton: Princeton University Press, 1987), p. 294; Ian Shapiro, *Democratic Justice* (New Haven: Yale University Press, 1999), pp. 101–102; Stephen Macedo, *Diversity and Distrust: Civic Education in a Multicultural Democracy* (Cambridge: Harvard University Press, 2000), pp. 207–209.

she showed no interest in the philosophical development of its political theory, mainly intending it to be a practical concept to come to terms with the democratic state's nonneutral subsidy of culture.⁴⁴ Gutmann's purpose with this concept was to justify the instrumental value of state subsidy of culture for democratic citizenship and public welfare. For her, "[d]emocratic perfectionism sanctions state subsidy of culture only if it is publicly approved, and then only if it satisfies the standards of nonrepression and nondiscrimination."⁴⁵ Among liberal perfectionists, George Sher presents his normative position explicitly in terms of democratic perfectionism but he does not articulate the concept, leaving unexplained both his understanding of democracy and whether he accepts democracy as instrumentally or noninstrumentally valuable.⁴⁶

In this book I understand democracy as *collective self-government of free and equal citizens* and democratic perfectionism as a normative political theory that justifies *public promotion of particular cultural values in the service of democratic citizenship under the normative constraints of core democratic principles*.⁴⁷ Confucian democratic perfectionism refers to a particular kind of democratic perfectionism, focused on a constellation of Confucian cultural values and aimed at Confucian democratic citizenship. Institutionally, it is largely predicated on democratic constitutionalism. Nested in democratic constitutional institutions but committed to a (modern) Confucian way of life, therefore, Confucian democratic perfectionism sees Confucian democratic citizenship not so much as a static constitutional goal or philosophical norm but as a legal and political product of ceaseless dialectic cultural negotiations between Confucian cultural values and democratic-constitutional principles such as individual dignity and gender equality.

Thus understood, my understanding of democratic perfectionism is far more expansive than Gutmann's. The overall liberal outlook of Gutmann's

⁴⁴ That said, some of her philosophical insights into democratic perfectionism can be gleaned from Amy Gutmann, "Rawls on the Relationship between Liberalism and Democracy," in *The Cambridge Companion to Rawls*, ed. Samuel Freeman (Cambridge: Cambridge University Press, 2003), pp. 168–199.

⁴⁵ Gutmann, *Democratic Education*, pp. 258–259 (emphasis in original).

⁴⁶ Sher, *Beyond Neutrality*, p. 15.

⁴⁷ My understanding of democracy is indebted to, among others, Benjamin R. Barber, *Strong Democracy: Participatory Politics for a New Age* (Berkeley: University of California Press, 1984); Amy Gutmann and Dennis Thompson, *Democracy and Disagreement* (Cambridge: Belknap Press, 1996); Joshua Cohen, *Philosophy, Politics, Democracy: Selected Essays* (Cambridge: Harvard University Press, 2009); Christiano, *The Constitution of Equality*; and Brettschneider, *Democratic Rights*.

democratic theory renders her idea of democratic perfectionism singularly focused on cultural assets that are conducive to the good of democratic citizenship. For Gutmann, democratic citizenship is a liberal democratic citizenship and cultural assets worth perfectionist protection do not make a political impact on the liberal public character of citizenship. They are valuable mainly because of their incidental contribution to liberal democratic citizenship. In my idea of democratic perfectionism, however, cultural values are understood not merely as cultural assets that require state protection but as goods or ends that can reshape the overall character of democratic citizenship itself and with which ostensibly “liberal” democratic values and rights have to be negotiated. In short, in my understanding of democratic perfectionism, there is an indirect congruence between cultural values, the target of perfectionist promotion, and democratic citizenship, the supreme purpose of democratic constitutionalism.

PUBLIC REASON CONFUCIANISM

While Confucian democratic perfectionism is a particular kind of democratic perfectionism, public reason Confucianism is a specific mode of Confucian democratic perfectionism that best articulates the complex relationship between Confucian cultural values and Confucian democratic citizenship under the institutional constraints of democratic constitutionalism and within the normative parameters of democratic principles. It also provides a robust democratic theory of Confucian democratic perfectionism that is socially practicable in contemporary East Asia’s increasingly pluralist and multicultural societal context. As a political theory, what is distinct about public reason Confucianism is that it mediates between public reason, commonly affiliated with liberal neutrality, and perfectionism, which endorses the state’s nonneutral promotion or prohibition of particular goods or values. Seen in this way, public reason Confucianism is an important subset of what can be called *public reason perfectionism*.

Public reason perfectionism is a normative position that stipulates that (1) public reason, understood as the reason of democratic citizens, is not independent of but is deeply influenced by the most dominant comprehensive moral or religious doctrine of the background culture in civil society, which generally but not fully defines the polity’s public character; and (2) the state, democratically controlled by its citizens, should operate on public reason, which not only gives citizenship a distinctive public character (as liberal, Muslim, or Confucian) but also induces social pluralism to be reasonable in light of the overarching public

purpose of democratic citizenship. Though universally applicable as a normative theory, public reason perfectionism is of special relevance in non-Western, culturally nonliberal societies where a particular cultural or religious system has long enjoyed salient social, cultural, and political hegemony until the “Western impact” in the late nineteenth and early twentieth centuries, and still remains influential, especially in forms of mores, habits, and moral sentiments, even while at times massively modified by liberal values. What makes public reason perfectionism (which can potentially be nonliberal) robustly democratic nonetheless is that the content of public reason, tethered with a particular comprehensive doctrine to which citizens partially subscribe, is open to democratic contestation both in formal public forums and in civil society.

There are two important democratic advantages of this unusual nexus between public reason and comprehensive perfectionism (i.e., perfectionism based on a particular comprehensive doctrine). First, by connecting comprehensive perfectionism with public reason, the quintessential political question of whether political authority of our otherwise perfectionist polity is democratic or nondemocratic is firmly settled. A comparison might be helpful here. Joseph Raz’s service conception of authority is centered on what he calls the normal justification thesis (NJT), which derives the right to command from a practical reason for better compliance.⁴⁸ Political liberals find the political reasoning implicated with NJT deeply illiberal because it violates personal autonomy, despite Raz’s declared commitment to this liberal value.⁴⁹ From a democratic standpoint, however, the problem with the service conception of authority undergirded on NJT lies in the fact that it does not necessarily require the political authority to be democratic, making it vulnerable to the

⁴⁸ NJT claims that “[t]he normal way to establish that a person has authority over another person involves showing that the alleged subject is likely better to comply with reasons which apply to him (other than the alleged authoritative directives) if he accepts the directives of the alleged authority as authoritatively binding and tries to follow them, rather than by trying to follow the reasons which apply to him directly” (Raz, *The Morality of Freedom*, p. 53). Note that some Confucian meritocratic perfectionists such as Joseph Chan are strongly inspired by Raz’s service conception of authority. See Joseph Chan, *Confucian Perfectionism*, pp. 27–45; “Political Authority and Perfectionism: A Response to Quong,” *Philosophy and Public Issues* 2:1 (2012), pp. 31–41.

⁴⁹ Jonathan Quong argues that practical reason accounts of legitimacy such as NJT fail to explain “why the brute fact that *I* have reason to do something should affect what rights *you* have with regard to me” (Jonathan Quong, *Liberalism without Perfection* [Oxford: Oxford University Press, 2011], p. 115).

charge of (undemocratic) paternalism.⁵⁰ That is, in Raz's liberal perfectionism, it is a matter of political contingency whether or not the perfectionist political authority in question is formed by citizens' collective self-determination.⁵¹ Public reason perfectionism redresses this democratic deficit in the dominant theories of (liberal) perfectionism by making democratic citizens' shared reason the single source of political authority, while not using it purely in the service of (neutralist) procedural justice and public justification. Inextricably intertwined with a comprehensive doctrine, public reason perfectionism refuses the normative severance between the right and the good, the hallmark of public reason liberalism.⁵²

The second democratic advantage of public reason perfectionism is that it takes seriously the coerciveness of political power. Some political theorists tend to believe that political coercion is diametrically opposed to individual freedom and rights, or in the case of Confucian political theorists, to benevolent government. But this is a serious misunderstanding. When the state makes laws and implements public policies, citizens are bound to comply with them and failure in compliance entails legal liability. Political power is coercive precisely in this sense. Though political power is by nature coercive, coercion can be either legitimate or illegitimate (or more or less legitimate or illegitimate) depending on who exercises it and for what purposes it is exercised.⁵³ In addition, coercion

⁵⁰ Ibid., pp. 73–107. Note though that Quong's criticism is focused on the illiberal aspect of paternalism in (liberal) perfectionism, but not on its undemocratic dimension.

⁵¹ In his later publication, though, Raz seems to acknowledge an important connection between participatory democracy (or representation) and the political philosophy of authority. Here Raz says that the aim of political philosophy is "to develop a doctrine of political authority which makes its legitimacy conditional on the existence of a population which regards the government as its representation, and in which people identify with the common interest, so that they regard its pursuit as their business and the law as their law. Here too, consent by itself, actual consent to a social contract, cannot solve the problem. But a theory of participatory government in a society in which conditions exist that enable each to see his own well-being as tied up with the prosperity of others can do so. The development of such a theory has been the aim of political philosophy since Rousseau. Its achievement is eagerly awaited" ("Introduction," in *Authority*, ed. Joseph Raz [Oxford: Basil Blackwell, 1990], pp. 1–19, p. 17). Nevertheless, it is still dubious whether Raz self-consciously integrates this democratic faith into his overall political philosophy of authority – especially in NJT – in a principled manner.

⁵² See Gerald F. Gaus, *Justificatory Liberalism: An Essay on Epistemology and Political Theory* (New York: Oxford University Press, 1996); Charles Larmore, *The Autonomy of Morality* (New York: Cambridge University Press, 2008); Quong, *Liberalism without Perfection*.

⁵³ According to Philip Pettit, coercion can be either dominational or nondominational and only the latter type of coercion, which protects and enhances freedom, is legitimate. See

can be more or less agreeable to those for whom it is exercised, depending on how it is exercised. The problem with the Razian service conception of authority is that it does not fully engage with the fundamentally coercive nature of political authority. It has powerful explanations for the purpose of political authority and the mode of its exercise, with its emphasis on practical reason and perfectionist ends, but it does not clarify who should have political power – citizens, the elite, the law, or the state? – and how power should be distributed and/or organized – one/monarchy, few/aristocracy, or many/democracy?⁵⁴ But if it is acknowledged that political power is coercive and that modern people’s moral interests are diverse and sometimes incommensurable, these fundamental political questions cannot just be brushed away, as if good practical reason alone matters regardless of who has political power and how it is organized. By making public reason integral to it, public reason perfectionism stipulates that given its coercive nature, political power is legitimate and authoritative only if it is wielded by all citizens, its co-subjects, either directly or, more preferably in our modern society, by means of electoral representation.

Public reason Confucianism is a particular mode of public reason perfectionism, specifically tailored for contemporary East Asian societies in which Confucianism has historically prevailed but now remains largely in forms of mores, habits, moral sentiments, and rituals, with which

his *Republicanism: A Theory of Freedom and Government* (Oxford: Oxford University Press, 1997) and *On the People’s Terms: A Republican Theory and Model of Democracy* (Cambridge: Cambridge University Press, 2012). For an argument for “legitimate coercion” in democracy theory, see Jane Mansbridge, “Taking Coercion Seriously,” *Constellations* 3:3 (1997), pp. 407–416, and Jane Mansbridge, “What is Political Science For?” *Perspectives on Politics* 12:1 (2012), pp. 8–17.

⁵⁴ Pointing out the difference between coercive and noncoercive forms of perfectionism, Joseph Chan argues that while on the former the state may use legal coercion to require people to adopt and lead valuable ways of life or to relinquish worthless ones, on the latter, the aim of the state is to create a social environment which is more conducive to the promotion of goods and worthwhile ways of life and it can achieve this goal by non-coercive means, such as subsidies, tax exemptions, and education. See his “Legitimacy, Unanimity, and Perfectionism,” *Philosophy and Public Affairs* 29:1 (2000), pp. 5–42, at pp. 14–15. This distinction may be heuristically useful in understanding why perfectionism is an attractive normative position. However, in my view, Chan’s account of non-coercive perfectionism, focused singularly on the agreeable mode of perfectionist policies, largely bypasses the coerciveness of political power itself in the nonideal situation. I am not sure how even policies such as subsidies, tax exemptions, and education can be noncoercive, when implemented by the state in terms of law and public policy, especially from the perspective of those who are excluded from, thus cannot claim to, such nonneutral state benefits but whose tax money, which is compulsory, is to be used to support them.

people today are still deeply saturated.⁵⁵ In terms of content, it is these uniquely Confucian mores, habits, moral sentiments, and rituals that make public reason Confucianism distinct from other forms of public reason perfectionism, including public reason liberalism (or political liberalism), because they are the sources of a nonrationalist mode of public reasoning that defines Confucian public reasoning.⁵⁶ As a political theory, though, public reason Confucianism is marked by all of the central features of public reason perfectionism discussed so far. I construct the theoretical outline of public reason Confucianism in Chapter 2 and offer its detailed philosophical substance with an explanation about how it can operate in practice in subsequent chapters. Here let me briefly introduce some core premises of public reason Confucianism, both normative and sociological.

First, as a species of Confucian democratic perfectionism, public reason Confucianism has two normative premises: (1) there is a valuable Confucian way of life that is distinct from (if not starkly opposed to) a liberal way of life and (2) it is permissible for a state, one that is democratically controlled by its citizens, to promote or discourage some activities, ideas, or ways of life, based on the grounds of a constellation of Confucian values such as, but not limited to, filial piety, respect for elders, ancestor worship, ritual propriety, harmony within the family, and social harmony. These normative premises are internally related to Confucian democratic perfectionism's two guiding conditions: the continuity condition and the intelligibility condition. Underlying these premises is the normative conviction that democratization of East Asian countries such as South Korea and Taiwan (and a strong moral demand for China to democratize) is not tantamount to Western-liberal democratization because democracy in these countries of Confucian heritage can be realized differently than in Western liberal societies, through dialectical interactions between Confucian values and democratic-constitutional rights and institutions, and with the aim of Confucian democratic citizenship.

While public reason Confucianism's normative premises speak for the theory's motivational dimension, the following three sociological premises of public reason Confucianism inspire the theory's philosophical

⁵⁵ See Anna Sun, *Confucianism as a World Religion: Contested Histories and Contemporary Realities* (Princeton: Princeton University Press, 2013); Philip J. Ivanhoe and Sungmoon Kim (eds.), *Confucianism, A Habit of the Heart: Bellah, Civil Religion, and East Asia* (Albany: State University of New York Press, forthcoming).

⁵⁶ I discuss the nonrationalist dimension of Confucian public reason(ing) in Kim, *Confucian Democracy*, chap. 5.

substances, thereby making it a unique kind of public reason perfectionism: (1) a one-man monarchy that has undergirded the political institution of traditional Confucianism is completely obsolete in contemporary East Asia (the republican premise); (2) with the advent of the republican era, traditional Confucianism's political ritualism, which divided people into different social classes and prescribed a set of proper social conduct for each class, has become equally obsolete, rendering everyone as equal as citizens (the political equality premise); (3) with the collapse of traditional Confucian monarchy and therewith the sage-king paradigm, there is no *Confucian* political ground on which political leaders, however selected, can justify the monistic value system and the lexical ordering of values, which subsequently enables people to subscribe to a diverse range of values (the value pluralism premise).

Public reason Confucianism's normative and sociological premises combine to establish several key propositions, but from the philosophical standpoint, the most important is what I call *the public equality proposition*, which consists of three internally related postulates of popular sovereignty, political equality, and the right to political participation. They together distinguish public reason Confucianism not only from traditional Confucianism, to which these values are foreign, but also from Confucian meritocratic perfectionism. The public equality proposition has a series of stipulations: (a) every human being has moral dignity; (b) every human being has both material and moral interests and the best way to respect one's moral dignity is to protect his or her basic material and moral interests; (c) interests (especially moral interests) are plural and the plurality of interests gives rise to moral disagreement; (d) each citizen has moral (and material) interests and the foundational ideal of human dignity requires the state to protect the diverse moral interests of its citizens; (e) each citizen's moral (and material) interests deserve equal public protection; (f) the state that can resolve moral disagreement authoritatively and make laws and policies without violating citizens' (basic) moral and material interests is one that is democratically controlled by citizens themselves; and finally (g) citizens can control the state democratically and express their moral and material interests publicly without fear, only if they have the right to political participation. Whether or not these stipulations that undergird the three postulates of the public equality proposition can be justified from the perspective of Confucianism is perhaps the most daunting challenge in philosophical construction of public reason Confucianism. I turn to this issue in Chapter 6.

The importance of the public equality proposition does not lie solely in its innovative philosophical implications. In a sense, its cultural and political implications are more far-reaching because it proffers a strong moral correction to traditional Confucian sex discrimination and gender inequality, among the greatest obstacles to modernizing Confucianism. In reinventing traditional Confucianism into modern Confucianism, political theorists tend to focus too much on classical Confucianism's philosophical potentials that would make it safe in the modern world, even when they consider the moral value and political utility of rituals (*li* 禮), but pay surprisingly little attention to how Confucianism was actually manifested in East Asia historically, especially in seriously oppressing women, by institutionalizing, among other things, the heavily patriarchal, patrilineal, and androcentric family structure,⁵⁷ and how some relics of such oppression and discrimination still remain in the laws and social practices of contemporary East Asian societies.⁵⁸

By integrating public equality, public reason Confucianism actively rectifies the gender discriminating elements in traditional Confucianism and upholds public equality between men and women as one of the core democratic-constitutional principles with which Confucian values, worth perfectionist protection and promotion, ought to be negotiated. The product of such complex processes of legal, political, and civic negotiations may look like liberalism because it is nested in the discourse of rights and other modern constitutional values, but the mode of public reasoning that enables the modern constitutional reinvention of Confucianism is characteristically Confucian – hence Confucian public reasoning. For instance, public reason Confucianism stipulates that the best way to attain public equality between men and women is not by top-down imposition of substantive liberal notions of gender equality but through the expansion of filial piety beyond gender barriers and the redefinition of ritual propriety to be suitable for democratic relationships in civil society.

⁵⁷ See Kai-Wing Chow, *The Rise of Confucian Ritualism in Late Imperial China: Ethics, Classics, and Lineage Discourse* (Stanford: Stanford University Press, 1996); Dorothy Ko, Jahyun K. Haboush, and Joan R. Piggott, (eds.), *Women and Confucian Cultures in Premodern China, Korea, and Japan* (Berkeley: University of California Press, 2003); Martina Deuchler, *The Confucian Transformation of Korea: A Study of Society and Ideology* (Cambridge: Council on East Asian Studies, Harvard University, 1992).

⁵⁸ For a powerful discussion on Confucianism-influenced gender inequalities in contemporary Korean civil codes, see Hyunah Yang, *Han'guk kajokbōp ilkki: Chōntong, shingmin-jisōng, chendōū kyoch'aroesō* [Reading Korean Family Law: At the Crossroads of Tradition, Coloniality, and Gender] (Seoul: Ch'angbi, 2011).

Thus understood, the public equality proposition not only vindicates public reason Confucianism's paramount interest in procedural justice and public justification, the aspect it shares with public reason liberalism, but it also shows its deepest moral commitment to the comprehensive democratic good of gender equality, justified with reference to Confucian public reason(ing). One of the central features of the constitutionalism that public reason Confucian gives rise to, what I call *public reason Confucian constitutionalism*, is its dual perfectionist commitments to, on the one hand, liberal constitutional principles, which most East Asian countries formally uphold, though in varying degrees, and Confucian values on the other. Public reason Confucian constitutionalism produces and sustains a coherent public identity of Confucian democratic citizenship by substantiating the moral content of formal, otherwise liberal, constitutional principles and rights with Confucian values on which citizens and public officials draw for their public reasoning, while taking full advantage of core institutional merits of liberal-democratic constitutionalism such as checks and balances and accountability-enhancing mechanisms.

OUTLINE OF THE BOOK

This book consists of three parts, each comprised of two chapters. In Part I, I engage in the philosophical construction of public reason Confucianism, first by defending Confucian democratic perfectionism as a mode of normative Confucianism that is most plausible in East Asia's increasingly pluralist societal context, then by laying out the philosophical outline of public reason Confucianism as a specific kind of Confucian democratic perfectionism that weaves (partial) comprehensive Confucianism and perfectionism in mediation of public reason.

In Chapter 1, I construct and defend Confucian democratic perfectionism by critically engaging with Joseph Chan's moderate political Confucian perfectionism. It should be recalled that Confucian meritocratic perfectionism, to which I present Confucian democratic perfectionism as a normative alternative, has two components – Confucian perfectionism and political meritocracy – and, roughly speaking, Confucian democratic perfectionism embraces the first component, in which Confucianism is generally understood as a comprehensive doctrine, while rejecting the second component because political meritocracy here, more like meritocratic elitism, is justified independently of democratic principles and procedures. Joseph Chan's idea of moderate political Confucian

perfectionism is thought-provoking, because it provides an important twist to the first component by decoupling the Confucianism in question from any version of comprehensive Confucianism. Convinced that no comprehensive doctrine is compatible with value pluralism while taking value pluralism seriously, Chan argues that only if Confucian perfectionism is political (i.e., noncomprehensive) can it be *moderate*, that is, compatible with value pluralism. I challenge Chan's core assumption on the incompatibility between moderate perfectionism and comprehensive Confucianism and argue for moderate comprehensive Confucian perfectionism with special focus on the intelligibility condition. My central claim is that in order for (comprehensive) Confucian perfectionism to be moderate, it must embrace as noninstrumentally valuable core values of democracy such as popular sovereignty and political equality.

After articulating my overarching normative vision of Confucian perfectionism, in Chapter 2 I turn to a specific mode of Confucian democratic perfectionism that is most plausible in contemporary pluralist East Asia. I argue that the predicament Confucian perfectionism ineluctably faces with regard to value pluralism can be avoided by making a constellation of Confucian values and goods (i.e., partially comprehensive Confucian perfectionism) constitutive of public reason. First, I explore the political theory of public reason perfectionism as the most proper philosophical mode of democratic perfectionism by critically revisiting John Rawls's political liberalism, one of the most dominant versions of public reason liberalism. Here I take full advantage of Rawls's "inclusive view" of public reason and what he calls *the proviso* stipulated in "The Idea of Public Reason Revisited" and derive public reason perfectionism from Rawls's own insights. In this endeavor, I show that public reason perfectionism shares with public reason liberalism its grave concern with the coerciveness of political power and its strong emphasis on the duty of civility under the fact of pluralism, with the significant difference that public reason perfectionism permits the (democratic) state to promote a set of particular values generally cherished by self-governing citizens or prohibiting values unpalatable to the citizenry's cultural-moral sentiments. Public reason Confucianism, then, is presented as a specific mode of public reason perfectionism most plausible in East Asian societies where citizens are still deeply soaked in Confucian mores, habits, rituals, and moral sentiments, which continue to influence their public reasoning. In addition to public reason Confucianism's two normative premises, this chapter further offers its six propositions: the valuable Confucian way of life (P₁), the Confucian habits of the heart in a pluralist society (P₂),

public equality (P₃), democratic pluralism (P₄), Confucian public reason (P₅), and Confucian legitimacy (P₆).

In Part II, I discuss the constitutional implications of public reason Confucianism (especially P₃ and P₄) with special focus on gender equality, the value that I argue tracks best the most important features of both public equality and democratic citizenship in a Confucian society. Though this part of the work continues to engage in philosophical construction of public reason Confucianism, it differs importantly from Part I in terms of mode of engagement, as the two chapters here aim to illuminate what public reason Confucian constitutionalism (or the constituted dimension of Confucian democratic citizenship) looks like in practice, by examining some landmark court decisions in postdemocratic South Korea.

In Chapter 3, I explore public reason Confucian constitutionalism by critically engaging with the Korean Constitutional Court's decision to scrap the family-head (*hoju*) provision (and other related provisions) from the Korean Civil Code, which has publicly undergirded inequality between men and women, more accurately, between sons and daughters and between husbands and wives. The reason I pay attention to this case is twofold: first, the intense public debate surrounding the constitutionality of the family-head system was precisely about what it means to be a democratic citizen in contemporary Korea's culturally Confucian and politically democratic societal context, and second, the long public reasoning process involved in this case (the Court's jurisprudence in particular), in which traditional Confucian values and practices were ceaselessly negotiated with democratic-constitutional values of gender equality and human dignity, tracks remarkably well the course that public reason Confucianism should take. My central claim in this chapter is that unlike liberal constitutionalism, whose perfectionist aim is to achieve *direct* congruence between the principles of the constitution and the character of citizenship, public reason Confucian constitutionalism realizes the congruence *indirectly* by allowing various sorts of legal, political, and social negotiations between democratic-constitutional democratic principles, rights, and values that the polity formally upholds on the one hand, and Confucian values and goods, to which it is publicly, but not direct-constitutionally, committed, on the other. It is undoubtedly a daunting task to balance dual perfectionist ambitions in a principled way and thereby produce a coherent public identity of Confucian *and* democratic citizenship. I argue nevertheless that public reason Confucianism not only can provide an explanatory framework to make sense of ongoing social, legal, and political practices in East Asia that are neither

Western-style liberal democratic nor traditionalist Confucian, but also can function as what Kant calls a “regulative ideal,” to which East Asian societies can normatively aspire and by which their current practices can be evaluated, justified, or criticized.

Chapter 3 demonstrates empirically the critical difference between public reason Confucianism and traditional Confucianism. Simply put, traditional Confucian institutions and practices that critically violate core democratic principles such as gender equality and individual dignity have no place in public reason Confucianism. However, this does not mean that public reason Confucianism is completely decoupled from traditional Confucianism or from the comprehensive moral dimension of Confucianism as a way of life. Chapter 4 illuminates this complex relationship between public reason Confucianism and traditional Confucianism from a philosophical perspective by drawing on Rawls’s important but often neglected distinction between *full* and *partial* comprehensive doctrines and attributing full and partial comprehensiveness to traditional and public reason Confucianism respectively. After establishing this important philosophical and conceptual distinction, the chapter then continues to articulate the essential features of public reason Confucianism by engaging with another Korean court case regarding unequal membership between men (sons) and women (daughters) within traditional Confucian clan organizations. This case not only vindicates partial comprehensiveness of public reason Confucianism, attained through discursive negotiations between two – direct-liberal and indirect-Confucian – perfectionist ambitions of a single constitutionalism (i.e., public reason Confucian constitutionalism as a form of democratic constitutionalism), but also articulates how public reason Confucianism at the same time protects the interests of those who persist in various forms of nondemocratic and/or nonliberal associational life (including the traditional Confucian way of life) through the constitutional right to freedom of association, as long as they do not critically encroach upon the constitutional principles and values endorsed by public reason Confucianism. Like the argument of the previous chapter, the argument of this chapter unfolds with special focus on gender equality.

In Part III, I revisit Chan’s moderate political Confucian perfectionism from the standpoint of public reason Confucian constitutionalism with special attention to civic virtue. In Chapter 5 I turn to the implications of public reason Confucianism’s perfectionist interest in democratic pluralism (P₄) for civic virtue and challenge Chan’s virtue monism, according to which moral virtue is more effective than civic virtue in making

democracy function well and therefore there should be a monistic overlap between moral and civic virtues, allowing no moral value to the latter independent of the former. At the heart of Chan's virtue monism, which stipulates that a good person is naturally a good citizen, are the assumptions that there is a universal moral standard by which to determine the goodness of a person and that there is an equally universal (and simultaneously Confucian) ethical system of moral self-cultivation. The difficulty is how Chan's Confucian virtue monism, which closely tracks traditional Confucian virtue monism, can be compatible with his outright rejection of comprehensive Confucianism. A deeper challenge is how plausible this monistic view of virtue is in a modern constitutional democracy whose society is increasingly pluralist and where citizens have different ideas of a good person. In this chapter, I argue that civic virtue as a set of traits and/or dispositions that people possess *qua* citizens is qualitatively, but not conceptually, different from moral virtue that concerns a person *qua* human being, and it is this sort of virtue that is required in sustaining the Confucian constitutional order as well as developing a Confucian democratic citizenship. Central to my argument is that in a Confucian constitutional polity envisioned from the perspective of public reason Confucianism, there is an important practical distinction between the Confucian virtues (X, Y, Z) that are cherished within traditionalist Confucian associations and moral communities and the conceptually same set of Confucian virtues (x, y, z) that are widely shared and practiced by citizens in general regardless of their associational membership, the virtues that are publicly valuable in the Confucian constitutional polity. Though hardly distinguishable conceptually, the former set of virtues (i.e., moral virtues) is concerned directly with the moral well-being of the members of a particular association and thus subject to differing sectarian conceptualizations, whereas the latter set of virtues (i.e., civic virtues) functions as bridging capital among those who otherwise belong to different moral communities or associations as private individuals and thus is open for public contestation and discursive negotiations. This practical distinction in virtue corresponds with both the philosophical distinction between the traditional fully comprehensive Confucianism and public reason Confucianism that is only partially comprehensive, as well as the institutional distinction between associational membership and Confucian democratic citizenship.

Chapter 6, then, draws attention to one particular civic virtue, namely political participation, and establishes the right to political participation as an indispensable component of public reason Confucianism. I begin

with the public equality proposition (P₃), the normative foundation of public reason Confucianism, and discuss how its two postulates – political equality and popular sovereignty – combine to justify the right to political participation, making this another crucial postulate of the proposition, without which the constituting dimension of Confucian democratic citizenship can hardly be satisfied. One of the central tasks of this chapter is to justify this right, along with the two other postulates of P₃, from a Confucian perspective and my justification proceeds in steps: first by reinterpreting Mencian Confucianism with special focus on Mencius's philosophical commitment to moral equality and human dignity and second by reconstructing Mencian political theory in such a way to be unencumbered by the historical Mencius's lingering allegiance to old aristocratic political ritualism, and thus directly corresponds to his moral philosophy. After deriving the seminal right to political participation from this reconstructed, thus only partially comprehensive, Mencian Confucianism, I then argue that under the circumstances of modern Confucian politics marked by public reason Confucianism's three sociological premises (the republican premise, the political equality premise, and, especially, the value pluralism premise), this right, which has only partial moral justification even in our reconstructed Mencian Confucianism, is fully justified as the best institutional means by which to protect one's moral (and material) interests and address the moral conflict in the process of citizens' collective exercise of coercive political power over themselves. Finally, I highlight the pivotal importance of the right to political participation in carrying out the democratic aspiration of public reason Confucianism, namely the simultaneous satisfaction of the democratic trinity of rule of, by, and for the people.

I conclude this book by anticipating and responding to two critical questions – first, whether public reason Confucianism is too diluted or deracinated a version of Confucianism to be recognizable to self-identified Confucians, and second, whether public reason Confucianism can remain socially relevant even if the public moral consensus, on which it is premised, has become more Western liberal.

