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Political Confucianism and Multivariate Democracy in East Asia

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Abstract: Sungmoon Kim's pragmatic Confucian democracy tries to provide a mediating position between the instrumental model and the intrinsic model of democracy. However, this model of Confucian democracy is problematic because it fails to justify the unique role Confucianism plays in accommodating democracy when it is one among many comprehensive doctrines in East Asia. To be truly pragmatic about democracy is to hold a pluralistic attitude toward how people will come to terms with it. This article aims to push the pragmatic tendency further and propose an alternative model of democracy that has a multivariate structure, a neutral state, and an active public role for Confucianism. This multivariate model represents a more promising future for democracy in East Asia.

Introduction

The relationship between Confucianism and democracy has been widely debated among contemporary Confucian political theorists.[1] The debate is

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[1]Throughout this article, Confucianism is understood as a conception of the good life that involves a systematic theorization about human life concerning a range of values, including moral, metaphysical, and religious commitments, as well as beliefs about personal virtues and political beliefs about the way society ought to be arranged. This Rawlsian understanding of comprehensive doctrine is adopted to set up both neutral and nonneutral understandings of the state in relation to comprehensive doctrines, such as Confucianism. Democracy, on the other hand, is understood in this article as a political system by and for the people that respects citizens' free and equal status as moral agents and political participants. This definition of democracy

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often between four competing models.[2] First, most commonly advocated during the first wave of democratization in East Asia, the conflict model sees Confucianism as an obstacle to democratization.[3] Second, the critical model treats Confucianism as the arbiter of the political norm and regards democracy as full of deficiencies and flaws from a Confucian point of view.[4] Third, the compatibility model argues that there are elements in Confucianism and Confucian culture that are positive in relation to democracy. Confucianism can be reinterpreted to (fully) converge with democracy.[5]

is intentionally loose to accommodate different types of democratic arrangements so that liberal democracy and Confucian democracy can be compared in a meaningful way. See John Rawls, *Political Liberalism*, expanded ed. (New York: Columbia University Press, 1993), 59.

[2]I borrow this classification from Baogang He, "Four Models of the Relationship between Confucianism and Democracy," *Contemporary Chinese Political Thought: Debates and Perspectives*, ed. Fred Dallmayr and Tingyang Zhao (Lexington: University Press of Kentucky, 2012), 131–51. The four models are sometimes presented differently, for instance in Doh Chull Shin's characterization of a three-model debate between compatibility, incompatibility, and convergence (Doh Chull Shin, *Confucianism and Democratization in East Asia* [Cambridge: Cambridge University Press, 2012], 68–70).

[3]For instance, in China, one of the central messages of the May the Fourth Movement in the 1910s was the corruptive effect of Confucianism, which ought to be replaced by Mr. Democracy and Mr. Science. Confucianism was also used to suppress democratic reforms. Chiang Kai-Shek employed Confucianism in the 1930s and 1940s in mainland China and then in the 1970s in Taiwan to contain the trend toward democratization. Similar approach was also seen in Singapore in the 1980s when Confucianism was used as a justification for Asian values against Western democratic influence.

[4]The critical model is different from the conflict model in that the former not only admits the conflicting relationship between Confucianism and democracy but also reverses the usual order of judgment. In contrast to the supposedly Eurocentric point of view, the critical model argues that Confucianism ought to be judge of democratic merits and demerits. Both Kang Xiaoguang and Jiang Qing have developed critiques of liberal democracy that represent this model. Jiang Qing even proposed a highly controversial theory of political Confucianism that he calls Confucian constitutionalism. See Jiang Qing, *A Confucian Constitutional Order: How China's Ancient Past Can Shape Its Political Future*, ed. Daniel A. Bell and Ruiping Fan, trans. Edmund Ryden (Princeton: Princeton University Press, 2012).

[5]Compatibility has become a mainstream model among Confucian scholars who wish to facilitate democratization of East Asia. See Chung-ying Cheng, "Transforming Confucian Virtues into Human Rights," in *Confucianism and Human Rights*, ed. William Theodore de Bary and Tu Weiming (New York: Columbia University Press, 1998), 142–53. Also see Yingshi Yu, *Anthology of Yu Yingshi*, vol. 2, *Traditional Chinese Thought and Its Present Day Transformation*, and vol. 6, *Democracy and Modern Civilization* (Guilin: Guangxi Shifan Daxue Chubanshe, 2004). Also see

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Finally, the hybrid model argues that the practice of democracy and the process of democratization are always a mix of Western and Confucian cultures. Because of the subtle tensions between the two, the key is to find the best proportion of the different ingredients from Confucianism and democracy.[6] While the conflict and critical models usually lead to some kind of meritocracy or comprehensive perfectionism that puts Confucianism in the center of the social and political agenda, the compatibility and hybrid models are often advocated by more moderate or even liberal-minded Confucian political theorists who wish to establish at least some liberal and democratic ideals and institutions in East Asia.

As Sungmoon Kim correctly points out, moderate Confucian political theorists tend to take certain values of democracy for granted, which manifests in two ways. First, the justification of democracy in East Asia is not clearly and convincingly presented, which gives Confucian meritocratic theorists and comprehensive Confucian political theorists an opportunity to dismiss these moderate attempts as misguided. Second, democracy is regarded as a static institution either imposed upon or juxtaposed with Confucianism, which tends to overshadow the difficulty of the initial transition to and the subsequent sustainability of democracy in East Asian countries. Kim aims to correct both oversights with what he calls "pragmatic Confucian democracy."[7] This alternative model of democracy makes use of the instrumental value of democracy during its transitional period, and it relies on what Kim refers to as the "mutual accommodation thesis" that will lead to a mutually beneficial relationship between Confucianism and democracy during democratic consolidation and maturity. In this way, Kim thinks that citizens will be convinced of the value of democracy and maintain a mutually beneficial relationship between Confucianism and democracy.

Yusheng Lin, *The Crisis of Chinese Consciousness: Radical Anti-traditionalism in the May Fourth Era* (Beijing: Sanlian Shudian, 1988).

[6]This model is different from the simpler view of compatibility in that the former does not assume a smooth convergence between Confucianism and democracy. Instead, the hybrid model recognizes inherent tensions between Confucianism and (especially liberal) democracy, and it aims to take the best elements from both worlds in order to produce the most ideal result. The hybrid model is more commonly found in more liberal-minded Confucian thinkers who wish to incorporate at least some liberal democratic ideals and institutions in their views of political Confucianism. See Joseph Chan, *Confucian Perfectionism: A Political Philosophy for Modern Times* (Princeton: Princeton University Press, 2014); Sungmoon Kim, *Public Reason Confucianism: Democratic-Perfectionism and Constitutionalism in East Asia* (Cambridge: Cambridge University Press, 2016).

[7]Sungmoon Kim, "Pragmatic Confucian Democracy: Rethinking the Value of Democracy in East Asia," *Journal of Politics* 79, no. 1 (Jan. 2017): 237–49.

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However, this pragmatic approach to Confucian democracy falls short. In this essay, I will first outline the main features of pragmatic Confucian democracy. Then I will argue that although it clearly recognizes the fact of reasonable pluralism in East Asian societies, pragmatic Confucian democracy fails to justify the priority of Confucianism in accommodating democracy in East Asia and does not sufficiently acknowledge a plurality of ways that people under the influence of different comprehensive doctrines might come to terms with democracy. Next I will demonstrate that the same problem is also evident in Kim's larger project of public reason Confucianism, which directly supports his pragmatic view of Confucian democracy. On the one hand, fully acknowledging reasonable pluralism will cast doubt upon the strategy to prioritize Confucianism over other comprehensive doctrines. On the other hand, insisting on a cultural justification of the priority of Confucianism will lead to a problematic sense of inconsistency found in more extreme forms of political Confucianism that Kim criticizes. Finally, I will argue that to be truly pragmatic about democracy is to hold a pluralistic attitude toward how people will come to terms with it. It is not necessary to limit Confucianism's potential contribution to democratic transition in order for a political theory to achieve a moderate outlook. Instead, the more reasonable question to ask is how sustainable democracies can be established and maintained while accommodating a diversity of comprehensive doctrines, of which Confucianism is only one among many. Guided by this question, I will propose an alternative model of democracy in East Asia with three key theoretical components: a multivariate structure, a neutral state, and an active public role for Confucianism.[8] This multivariate model, in my view, points to a more promising future for democracy in East Asia.

A Pragmatic Turn in Confucian Democratic Theory

Among moderate Confucian political theorists, there is more or less a consensus about the value of democracy. However, what the value of democracy entails is not so obvious. According to Kim, there is a false dichotomy in the contemporary literature between the Schumpeterian conception of democracy, which views the value of democracy in a strictly instrumental sense, and the Deweyan conception of democracy, which grants democracy intrinsic value beyond its institutional function. The important insight in Kim's study is that "the Schumpeterian model and the Deweyan model should not be understood as two distinct, mutually exclusive conceptions of democracy, but rather as illuminating different features of democracy,

[8]On this multivariate model, I draw arguments from Zhuoyao Li, "The Discontents of Moderate Political Confucianism and the Future of Democracy in East Asia," *Philosophy East & West* 68, no. 4 (Oct. 2018): 1193–218.

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each salient (comparatively speaking) at a different stage."[9] Specifically, two stages can be identified in Kim's account:

(1) In the transition stage—whether from early modern absolutism or modern forms of authoritarianism—the Schumpeterian model looms large because the instrumental value is the key motivating force of regime transition on which this model of democracy is undergirded.
(2) The Deweyan model gains its salient normative significance during the period of democratic consolidation in which democracy becomes "the only game in town," attitudinally, behaviorally, and constitutionally, as well as perennially beyond… . Only at this stage can democracy, originally pursued for sheer instrumental reasons, attain its intrinsic value, becoming our democracy. Only then will citizens neither look back to their authoritarian past with nostalgia for a perpetual life of being ruled and provided for nor be tempted to trade the values of political autonomy and common citizenship (i.e., their sovereign status) with the goods (largely economic) that some nondemocracies claim to deliver better.[10]

Based on this two-stage view that mediates between the two standard conceptions of democracy, Kim proposes what he refers to as "pragmatic Confucian democracy" that is supposed to be a superior model for the establishment and maintenance of democracy in East Asia where authoritarian history still haunts its modernization process.[11]

Pragmatic Confucian democracy, according to Kim, is first and foremost a form of democracy that "derives its value initially from its institutional and instrumental ability to effectively and legitimately coordinate complex social interactions among citizens with diverse moral and material interests," and only then will it justify "values accrued in the course of living the democratic way of life, which make democracy intrinsically valuable."[12] When it comes to institutional justification, a pragmatic Confucian democrat is essentially "a moderate political consequentialist," in the sense that her political support for democracy is "not primarily to best realize certain moral ends cherished by ancient Confucianism" but to advocate "an overarching and authoritative political institutional framework under which coercive political power is exercised legitimately, in the people's name."[13] In other words, most people will likely be motivated by instrumental reasons for democracy during the initial phase of democratic transition. As democracy gains its footing,

[9]Kim, "Pragmatic Confucian Democracy," 241.
[10]Ibid.
[11]Ibid., 237–49.
[12]Ibid., 244–45.
[13]Ibid., 245.

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citizens will need to go beyond the instrumental view of democracy and develop the capacity to appreciate the intrinsic value of democracy. This is achieved with the guidance of the "mutual accommodation thesis," according to which "a newly introduced democratic way of life should dialectically interact with the local Confucian civic culture, thereby generating the *Confucian democratic culture*, a new civic culture distinct from both liberal civic culture and traditional undemocratic Confucian civic culture."[14] This mutually accommodating relationship "not only enables us to engage with various forms of local Confucianism that actually exist in modern East Asia with continuing social evolution, but more importantly in the present context, helps us make sense of the significance of Confucianism as a civic culture in the process of democratic consolidation and further maturation of the democracy afterward."[15] Pragmatic Confucian democracy thus realizes both the instrumental and the intrinsic value of democracy without compromising Confucian civic culture in East Asia.

The pragmatic focus, supported by the mutual accommodation thesis, makes pragmatic Confucian democracy stand out among contemporary theories of Confucian democracy. However, it falls short in justifying the unique role Confucianism plays in accommodating democracy when it is only one among many comprehensive doctrines in contemporary East Asia. In the next two sections, I will first outline the problem and then situate it in Kim's broader project of public reason Confucianism in order to offer clarification and a response to potential objections.

The Problem with Pragmatic Confucian Democracy

Although Confucianism has historically penetrated both the public and the private spheres in East Asian societies, it is both empirically and theoretically questionable to take Confucianism and its associated cultural heritage for granted and claim that it will necessarily serve as *the* civic culture that defines democracies in East Asia.[16] Many moderate Confucian political

[14]Ibid., 247.

[15]Kim gives the example of gender equality. There is no doubt that traditional Confucianism has long been rationalizing its androcentric, patrimonial, and patriarchal tendencies. However, "in the post-democratic constitutional and societal context in which the value of gender equality is publicly recognized, all sorts of gender inequalities that have severely injured the equal public standing of women … are to be rectified in ways that can elevate them as equal … citizens who can actively participate in public decision-making processes without fear" (ibid., 247–48).

[16]For a comprehensive empirical study on the role of Confucianism in contemporary East Asia, see Shin, *Confucianism and Democratization*. Also see Joseph Chan, Doh Chull Shin, and Melissa Williams, eds., *East Asian Perspectives on Political Legitimacy* (New York: Cambridge University Press, 2016).

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theorists clearly recognize the fact of reasonable pluralism.[17] For instance, one of the motivations behind Joseph Chan's moderate Confucian perfectionism is to show through "a piecemeal and moderate approach" that "certain Confucian values and principles can be endorsed by citizens who do not subscribe to Confucianism and serve to ground a number of basic institutions of liberal democracy."[18] Kim is perhaps one of the most vocal theorists to clearly acknowledge reasonable pluralism in East Asian societies. In support of his public reason Confucianism, Kim says:

> Contemporary East Asian societies, especially those that have been democratized, are characterized by vibrant civil societies that are internally diverse. People there are increasingly pluralist and multicultural, subscribing to different moral, philosophical, and religious doctrines. For instance, even among South Koreans, the most Confucian historically as well as to this day, albeit arguably, only a negligible number of people self-consciously identify Confucianism (i.e., religious Confucianism) as their personal value system.[19]

The case of South Korea is particularly noteworthy. Usually regarded as the most homogeneously Confucian country in East Asia, South Korea has seen an increasing lack of self-identification accompanied by lower visibility of Confucianism in politics and education. In politics, Confucianism "lost its most important function as the orthodox state ideology after the fall of the monarchy in the early twentieth century, and in subsequent years it could no longer claim any leading role in the modernizing and Westernizing

[17]The term "reasonable pluralism" necessarily carries a Rawlsian and liberal connotation. One might argue that the kind of pluralism in East Asia is quite different from what Rawls has in mind for advanced liberal democracies. This statement is true only to a certain extent. It is true because East Asia does not share the Western history of the Reformation and the Wars of Religion, which directly contribute to the modern understanding of liberty of conscience and freedom of thought that produce the fact of reasonable pluralism in advanced liberal democracies. However, like many of Rawls's concepts, reasonable pluralism can be stripped of its strong liberal and Western connotation. For instance, from the Hundred Schools of Thought during the Spring and Autumn period and the Warring States period in ancient China to the recent clash between Asian values and Western Enlightenment ideas, East Asian societies have their own historical experience that directly contributes to the rise of a diversity of comprehensive doctrines, including both religious and nonreligious doctrines, that coexist with one another. This pluralism, like the kind Rawls has in mind for advanced liberal democracies, is the natural outcome of the activities of human reason and the pursuit of free institutions. See Rawls, *Political Liberalism*, xxiv.

[18]Chan, *Confucian Perfectionism*, 199–200.

[19]Sungmoon Kim, "Public Reason Confucianism: A Construction," *American Political Science Review* 109, no. 1 (Feb. 2015): 193.

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republican polity."[20] In education, "Confucianism as a scholarly pursuit has disappeared since the introduction of modern education…. The *hyanggyo*, traditional Confucian schools in the capital and the provinces, and the *sowon*, private academies (Chinese: *shu-yuan*), survive only in their decaying edifices, having lost the functions of education and public opinion formation." Thus, even in South Korea, Confucianism is "hardly visible on the surface and rarely manifests itself in any organization or institution. It survives only at the most basic level of the popular consciousness and in the routines of daily life."[21] In a more recent survey by the Association of Religion Data Archives, South Korean citizens who practice Confucianism amount to only 10.9%, whereas those who practice Buddhism and Christianity amount to 24.8% and 33.4%, respectively.[22] In addition, Doh Chull Shin's comprehensive empirical studies demonstrate that South Korea is by no means an exception. In none of the five historically Confucian countries (Japan, South Korea, Taiwan, China, and Vietnam) is the Confucian way of life the most popular cultural type. Instead, more people have embraced the egalitarian or individualist way of life, to the extent that East Asia as a whole is now even more individualistic than any of the four other non-Western cultural zones (South Asia, Latin America, Africa, and the Muslim zones), and less so only in comparison with the democratic West and ex-communist West.[23]

Although these empirical studies by no means show that Confucianism has lost its sociocultural significance, they are strong enough to demonstrate that Confucianism has become one of the many comprehensive doctrines adopted by East Asians. Therefore, it is not surprising to see that the purpose of Kim's pragmatic Confucian democracy when it comes to realize the instrumental value of democracy is "not so much to faithfully serve what classical Confucianism requires ethically by means of state perfectionism as to theorize a principled way in which democracy both as a political system and as a way of life can acquire its instrumental and intrinsic values in a way intelligible to citizens of East Asia."[24] But if this is the case, then why does the further

[20]Koh Byong-ik, "Confucianism in Contemporary Korea," in *Confucian Traditions in East Asian Modernity,* ed. Tu Wei-ming (Cambridge, MA: Harvard University Press, 1996), 193.

[21]Ibid., 194.

[22]*Association of Religion Data Archives*, http://www.thearda.com/internationalData/countries/Country_124_2.asp, accessed October 16th, 2017.

[23]Shin, *Confucianism and Democratization*, 104. Shin's research divides world cultures into seven categories: democratic West, ex-communist West, South Asia, Muslim zone, East Asia, Latin America, and Africa. When it comes to preference for individualism, which is opposite to what traditional Confucianism requires, East Asia has a 25.5% favoring rate, which is higher than that in South Asia (21.9%), Latin America (23.9%), Africa (10.4%), and Muslim zone (7.1%). Democratic West and ex-communist West, in contrast, have favoring rates of 46% and 39.9%, respectively. See Table 3.5 in ibid., 97.

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development of democracy, where its intrinsic value is recognized, have to happen within a *Confucian* civic culture rather than a civic culture constituted by a plurality of comprehensive doctrines, which more accurately reflect the empirical condition of East Asian societies? In other words, if Kim is correct, and I think he is, in saying that a pragmatic turn is needed to justify democratization in East Asia, which means that a fully or partially Confucian argument for democracy may be insufficient to convince all people of the value of democracy, why is there a need after the initial transition to resort back to Confucianism as the main source of political imagination in order to realize the intrinsic value of democracy? There seems to be a missing link between the instrumental argument and the intrinsic argument for the value of democracy when it is juxtaposed with Confucianism.

Kim might respond that the mutual accommodation thesis serves as precisely such a link. Unlike the liberal congruence thesis, which posits that "nonliberal democratic citizens can only be 'introduced' to the intrinsic value of democracy if the intrinsic value of living according or their cultural way of life is replaced by, or transformed into, a new public mode of life (i.e. a liberal democratic life) that is extrinsic to their lifestyle and self-understanding," the mutual accommodation thesis proposes a two-way transformation between Confucian culture and democratic culture that leads to a coherent Confucian democracy. But this response dodges the more fundamental question of "Why Confucianism?" with the assumption that Confucianism is in a unique place to accommodate the intrinsic value of democracy. Even granting the validity of the mutual accommodation thesis will not help, because other comprehensive doctrines can claim a similar capacity to accommodate and realize the intrinsic value of democracy.[25] If there is a mutual accommodation thesis between democracy and Confucianism, should there not be a similar thesis between democracy and Buddhism, or between democracy and Christianity? If the answer is negative, the burden is on Kim to explain why Confucianism is in a unique position to accommodate democracy. If the answer is positive, which is already demonstrated by a wide variety of comparative political theories that aim to bridge the gap between democracy and different comprehensive doctrines, then Kim's claim that the end result of mutual accommodation is a "Confucian democratic culture" becomes questionable. Thus, acknowledging the fact of reasonable pluralism in East Asian societies is at odds with a democratic theory that is Confucian in nature. As I argue elsewhere, moderate Confucian political theories are often caught in an awkward position that

[24]Kim, "Pragmatic Confucian Democracy," 246.

[25]For a discussion of how different comprehensive doctrines can utilize their internal resources to accommodate democracy on the basis of the democratic ethos of their cultures, see Alessandro Ferrara, *The Democratic Horizon: Hyperpluralism and the Renewal of Political Liberalism* (Cambridge: Cambridge University Press, 2014), chaps. 3 and 5.

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invites criticisms from both the Confucian side and the democratic side.[26] Pragmatic Confucian democracy is no exception: the Confucian side does not think it is sincerely Confucian because democratic institutions are not grounded on Confucian values, and the democratic side does not think it is genuine democracy because it leaves too little room for non-Confucian groups.

Public Reason Confucianism Revisited

So far, my critique has mainly targeted Kim's most recent proposal of pragmatic Confucian democracy. However, this proposal is supported by his broader project of public reason Confucianism that more comprehensively deals with such issues as Confucianism, democracy, and constitutionalism. It would thus be narrow-minded not to revisit Kim's fuller theory of political Confucianism. In fact, one objection to my critique might be that it is simply unfair to characterize Kim's pragmatic Confucian democracy as "going back to Confucianism," because what Kim advocates is not an ethical and fully comprehensive but instead a political and partially comprehensive understanding of Confucianism, which means that the ultimate goal of pragmatic Confucian democracy is not to restore Confucianism in its classical glory but to produce mutually accommodating conversations between Confucianism and democracy, which Kim is at pains to show in his *Public Reason Confucianism*. In this section, I will respond to this objection by revisiting two central distinctions that Kim relies on to make the case for public reason Confucianism: the distinction between fully and partially comprehensive doctrines, and the distinction between direct and indirect constitutionalism. I will argue that this pair of distinctions will not resolve the earlier problem.

According to John Rawls, a doctrine is fully comprehensive if "it covers all recognized values and virtues within one rather precisely articulated system," whereas a doctrine is partially comprehensive "when it comprises a number of, but by no means all, nonpolitical values and virtues and is rather loosely articulated."[27] The obvious benefit of using Rawls's somewhat underappreciated distinction is to highlight, as Kim does, the difference between reviving traditionalist Confucianism and accommodating Confucianism in a constitutional democracy. However, unlike Joseph Chan's piecemeal and moderate approach that is merely concerned with certain items, such as traits and relationships, that can be severed from a

[26]See Li, "Discontents of Moderate Political Confucianism." One way to avoid this problem is to enlarge the scope of the mutual accommodation thesis to include non-Confucian doctrines, but this would certainly take away the central point of pragmatic Confucian democracy.

[27]Rawls, *Political Liberalism*, 13.

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particularly Confucian way of life, Kim's public reason Confucianism, despite its qualification of being only a partially comprehensive view of Confucianism, is nonetheless still comprehensive in that it aims to promote a Confucian way of life and maintain a recognizably Confucian public character.[28] This commitment to comprehensive Confucianism is even more explicitly demonstrated in the case-study chapters of *Public Reason Confucianism*, where Kim gives examples of how Confucianism and liberalism can negotiate with each other in a constitutional democracy that is directly liberal and indirectly Confucian.[29] According to Kim, although certain Confucian values, such as filial piety, were never declared by the South Korean court as constitutional values, they are publicly acknowledged and even promoted in the cases Kim examines, which makes it possible to call these Confucian values "quasi-constitutional values."[30] Kim refers to this type of constitutionalism as "indirect constitutionalism," according to which certain cultural values, though not constitutional values in a strictly legal sense, attain public-constitutional significance.[31] By distinguishing between fully and partially comprehensive Confucianism, and between direct and indirect constitutionalism, Kim is thus reserving a special place for Confucianism without introducing extreme Confucian perfectionism to the state.

Although these two distinctions indeed help Kim's public reason Confucianism to be distinguished from extreme forms of political Confucianism, they are not enough to address the problem discovered in the last section.[32] The question of "why Confucianism" still stands, even if Confucianism is understood as partially comprehensive and Confucian values are understood to be indirectly constitutional. According to Kim, the central goal of public reason Confucian constitutionalism is "to produce a

[28]Kim, *Public Reason Confucianism*, 93.

[29]See *Public Reason Confucianism*, chaps. 3–4, where Kim analyzes a landmark court decision in South Korea where the Constitutional Court declared the family-head system (*hojuje*) to be unconstitutional, and the Korean Supreme Court case regarding membership within clan organizations (*chongjung*), where the court ruled that women are entitled to formal membership with all accompanying rights of their paternal clan organization.

[30]Ibid., 123.

[31]Ibid., 124.

[32]These two distinctions are problematic in their own ways. Rawls's distinction between fully and partially comprehensive doctrines is underappreciated primarily because it is difficult to distinguish between the two kinds of comprehensive doctrines since they both appeal to epistemological and metaphysical claims. As for the distinction between direct and indirect constitutional values, Kim is essentially broadening the scope of constitutionalism beyond its intended legal scope. This is problematic because it opens the door for comprehensive doctrines to exert influence on constitutional values, which might endanger the objectivity and impartiality of constitutional essentials.

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coherent public identity of Confucian and democratic citizens by weaving two perfectionist commitments—liberal and Confucian—into a single coherent constitutionalism."[33] In order to achieve this goal, cultural negotiations will take place between Confucian values and practice, and liberal democratic values and rights. But this sort of cultural negotiation cannot be reserved exclusively for Confucianism and liberalism, since there is an undeniable plurality of other comprehensive doctrines, *even if* Confucianism is still the most influential one. Kim is fully aware of this fact when he says that "public reason Confucianism allows citizens to negotiate their comprehensive moral values with *Confucian* public reason, *then* with particular rights, duties, and liberties."[34] However, it is highly problematic to say that citizens who adopt non-Confucian doctrines will have to negotiate with Confucian public reason first, and only then can they negotiate with particular rights, duties, and liberties. This directly liberal and indirectly Confucian model, when applied to the constitution, only adds to the impression that in a Confucian democracy imagined by Kim, the constitution becomes a playground between Confucianism and liberalism, whose rules must be followed in order for citizens who endorse alternative comprehensive doctrines to negotiate their way into the democratic polity. We arrive at the same problem of justifying the unique role of Confucianism in a Confucian democracy.

At this point, one might choose instead to cast doubt upon the question of "why Confucianism" by contradicting the empirical studies cited earlier. Many, Kim included, firmly believe that East Asian societies are still saturated with Confucian values, mores, habits, and moral sentiments, which leaves Confucianism in a unique position to engage with the new democratic life. In other words, instead of asking "Why Confucianism?" one has good reason to ask, "Why not Confucianism?" But this change of question can lead to a dangerous implication that Kim desperately tries to avoid. The question of "why not Confucianism" is often raised together with "why democracy" among comprehensive and meritocratic Confucian political theorists, such as Jiang Qing and Daniel A. Bell. These comprehensive and meritocratic Confucian political theories, as Kim correctly points out, are problematic because "they try to have both (bits of) meritocracy and (bits of) democracy in their proposed way(s)."[35] If these theorists prefer Confucian democracy over liberal democracy only because of the Confucian values and practices

[33]Ibid., 136.

[34]Ibid., 100, emphasis original.

[35]Ibid., 5. For instance, Jiang Qing's tricameral Confucian constitutionalism is perhaps the most notorious example of extreme Confucian perfectionism that aims to establish Confucianism as a state religion/philosophy. But even in this theory there is the House of the People representing popular legitimacy, which is supposed to balance the House of Ru, which represents sacred legitimacy, and the House of the Nation, which represents cultural legitimacy. See Qing Jiang, "The Way of the

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that such theories can bring out, then why do they care about democratic institutions at all? Kim rightly asks: "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?"[36] In other words, extreme forms of Confucian meritocratic perfectionism are inherently inconsistent.

But if the justification for preferring Confucianism over other comprehensive doctrines is merely the deep saturation of Confucian values and practices in East Asian societies, then Kim's own theory is susceptible to a similar criticism. If Confucianism is so culturally relevant and so sociopolitically strong among citizens in East Asian countries that the question of "why Confucianism" need not arise, then why bother with liberal ideals and democratic institutions in the first place? It will be remembered that the mutual accommodation thesis in pragmatic Confucian democracy is used to justify the mutually beneficial relationship between Confucianism and democracy. But if citizens in East Asian countries are so saturated by Confucianism, even in a partially comprehensive sense, then the necessity of democracy becomes questionable, at least from the perspective of citizens. Is a decent hierarchical Confucian society not equally appealing to citizens who still follow or should still follow a Confucian way of life? However, Kim is against any form of Confucian meritocracy. Unlike Chan who is suspicious of certain liberal values and practices, Kim is highly sympathetic to liberalism, which motivates him to develop public reason Confucianism that aims to incorporate the best of both worlds. In other words, like the political liberal project that aims to accommodate reasonable pluralism in a well-ordered Western liberal democracy, public reason Confucianism aims to accommodate liberalism by way of a democratic polity in East Asia. But if Kim is willing to admit both Confucianism and liberalism into the process of cultural negotiation, why not do the same with other comprehensive doctrines, such as Daoism and Islam? Once again, we arrive at the same problem of justifying the uniqueness of Confucianism. In order for citizens who subscribe to non-Confucian doctrines to be able to participate in cultural negotiation, they will have to first negotiate their comprehensive moral values with Confucian public reason, and then with particular rights, duties, and liberties. In addition to the unnecessary burden placed upon these citizens, the cost of such a move is equality among a plurality of comprehensive doctrines in a polity, which is a defining feature of genuine democracy. Therefore, Kim's public reason Confucianism is confronted with a dilemma. On the one hand, fully acknowledging reasonable pluralism will cast doubt upon the

Humane Authority: The Theoretical Basis for Confucian Constitutionalism and a Tricameral Parliament," in *A Confucian Constitutional Order*, 41.

[36]Kim, *Public Reason Confucianism*, 6.

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validity of public reason Confucianism. On the other hand, insisting on a cultural justification of the priority of Confucianism will likely lead to a similar sense of inconsistency found in more extreme forms of political Confucianism. This dilemma is then carried over to pragmatic Confucian democracy and manifests itself in the difficulty of balancing between the commitment to acknowledge reasonable pluralism in East Asian societies and the necessity to justify the unique role of Confucianism in democratic theory.

This problem nevertheless points to an interesting direction already found in Kim's account. Once we take "Confucian" away from "pragmatic Confucian democracy," what remains is a pragmatic theory of democracy. It is pragmatic because it does not expect nonliberal people to endorse democracy for either liberal or comprehensive reasons, at least not at the outset of democratization. But it seems that pragmatic Confucian democracy is ironically not pragmatic enough, in the sense that it does not take into consideration all the possible reactions to democratic transition. To be truly pragmatic about democracy is to hold a pluralistic attitude toward how people will come to terms with it. Kim's theory points in the right direction but ultimately falls short. In the next section, I will propose an alternative model of democracy that follows through this pragmatic tendency.

Multivariate Democracy in East Asia[37]

A false dichotomy has appeared in recent literature on Confucian political theory, especially when it comes to the relationship between Confucianism and democracy. At one extreme, there is the tendency to fully revive Confucianism for the purpose of establishing an extreme form of state Confucianism. At the other extreme, there is also the tendency to eliminate Confucianism from the democratic discourse. Both public reason Confucianism and pragmatic Confucian democracy are laudable for their desire to take the middle ground, where Confucianism and liberal democracy share a dynamic relationship with each other. However, as my previous analyses have shown, pragmatic Confucian democracy is susceptible to criticisms from both the Confucian side and the democratic side. In the rest of this section, I will propose another model of democracy that tries to take the middle ground. Specifically, this alternative model of democracy will have three theoretical components. First, I will draw from Alessandro Ferrara's recent discussion of "hyperpluralism" and what he calls "multivariate democratic polity," and I will argue that the structure of a healthy and sustainable democracy in East Asia must be *multivariate in structure*, meaning that citizens can relate to constitutional essentials in a diversity of manners from within their comprehensive doctrine, or for partially or even fully prudential reasons. Then, in light of the problem with Kim's

[37]In this section, I draw arguments from Li, "Discontents of Moderate Political Confucianism."

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pragmatic Confucian democracy, I will argue that democracy in East Asia ought to include *a neutral state*, which means that Confucianism should neither be officially endorsed by the state nor hijack the neutral language of public reason to directly influence policymaking and legislation. Finally, I will qualify the previous point by arguing that having a neutral state does not necessarily mean that Confucianism will be banished to the private sphere. On the contrary, it can have a very *active public role* to play so as to make an indirect yet substantial contribution to the domain of the political.

Multivariate Structure

One of the key differences between comprehensive and moderate Confucian political theorists is the degree of their willingness to acknowledge and accept the fact of reasonable pluralism. According to Rawls, burdens of judgment will lead reasonable citizens to adopt a plurality of reasonable, though irreconcilable, moral, religious, or philosophical doctrines. Reasonable pluralism is not a historical contingency but the necessary consequence of the free practice of reason in modern democracies.[38]

However, Alessandro Ferrara has recently claimed that the fact of reasonable pluralism is still somewhat idealized. The reason is that Rawls sees his project as an attempt to reconcile "the tradition associated with Locke, which gives greater weight to what Benjamin Constant called 'the liberties of the moderns,'" and "the tradition associated with Rousseau, which gives greater weight to what Constant called 'the liberties of the ancients.'"[39] However, "in very few places in the world can we encounter a polity where these two conceptions are embraced by a majority of citizens," which leads to the implication that Rawls's political liberalism is in fact drawn on for inspiration based on "a highly stylized picture."[40] In the actual world, societies are populated by people who endorse a plurality of comprehensive doctrines. The difficulty is that some of the basic constitutional essentials—the idea of equality among all citizens, gender equality, the idea of the citizen as a self-authenticating source of valid claims, freedom of conscience, the consequent ban on apostasy, etc.—could become highly problematical at least for some of the more traditional citizens.[41] Ferrara calls this condition "hyperpluralism," which refers to "the presence on the ground of cultural differences that exceed the range of traditions Rawls sought to reconcile within *Political Liberalism*, and of comprehensive conceptions that are only partially reasonable, display an only partial acceptance of the burdens of judgment or make their adherents endorse only a

[38]Rawls, *Political Liberalism*, xvi.
[39]Ibid., 5.
[40]Ferrara, *Democratic Horizon*, 90.
[41]Ibid.

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subset of the constitutional essentials."[42] As a response, Ferrara draws a "retroactive lesson" from Rawls's *Law of Peoples*, in which a multivariate structure found on the international scene may shine some light on domestic society. In the *Law of Peoples*, Rawls makes it clear that peoples included in the Society of Peoples relate to one another on the basis of an idea of justice, albeit limited in scope.[43] As for the relations between burdened societies and peoples ruled by benevolent despots, as well as the relations between peoples included within the Society of Peoples and outlaw states, they will be of a modus vivendi type.[44] Ferrara argues that this multivariate structure can be applied to domestic society where hyperpluralism has created different groups of people whose relation is not unlike those found among different kinds of peoples. Specifically, we could

> apply what we have learned from *The Law of Peoples* and without difficulty envisage a multivariate polity where a majority, or even a sizable minority, of citizens embrace comprehensive conceptions of the good that do allow for the formation of an overlapping consensus on the basic structure and all of the constitutional essentials (say, citizens subscribing to the Lockean and the Rousseauian traditions reconciled in *Political Liberalism*), and then at the same time these citizens might relate in a modus vivendi way with one or more minorities whose comprehensive conceptions overlap to a lesser extent with the fully reasonable ones and allow them to endorse only a subset of the constitutional essentials.[45]

This multivariate democratic polity could mitigate the effect of hyperpluralism and perhaps emancipate us from the trap of mutual resentment within which majorities and minorities might end up being caught.[46] One of the implications of this multivariate view is that we now have three kinds of citizens, depending on how people's comprehensive doctrines relate to the constitutional essentials:

(1) Citizens who embrace all the constitutional essentials in the light of principles rooted in their comprehensive moral conceptions.

[42]Ibid., 100. This leads Ferrara to modify Rawls's famous opening question in *Political Liberalism*: "how is it possible for there to exist over time a just and stable society of free and equal citizens, who remain profoundly divided by religious, philosophical and moral doctrines some of which are reasonable and susceptible of giving rise to an overlapping consensus, and some of which are only partially reasonable, display only an incomplete acceptance of the burdens of judgment and cannot be brought to endorse all of the constitutional essentials?" (*Democratic Horizon*, 91).

[43]Ferrara, *Democratic Horizon*, 106. Also see John Rawls, *The Law of Peoples, with The Idea of Public Reason Revisited* (Cambridge, MA: Harvard University Press, 1999).

[44]Ferrara, *Democratic Horizon*, 106.

[45]Ibid., 106–7.

[46]Ibid., 107–8.

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(2) Citizens who embrace some of the constitutional essentials in the light of principles rooted in their comprehensive moral conceptions and other constitutional essentials (for example, free exercise of religion) out of merely prudential reasons.
(3) Citizens who embrace all of the constitutional essentials out of prudential reasons.[47]

What is of interest to democracy in East Asia is how hyperpluralism could actually be repurposed to describe the sociopolitical condition of societies during democratic transitions.[48] It is reasonable to assume that while parts of the population might be able to fully endorse the constitutional essentials, some groups of people under the influence of their comprehensive doctrines will only be able to accept a subset of the constitutional essentials, whereas others might even display utter defiance. For instance, as Chan points out, Confucian classicists are more than likely to regard reasonable pluralism as "a mistake" that ought to be corrected rather than a condition that needs to be accommodated, which can serve as a strong reservation against democratic transition.[49] Although the concept of hyperpluralism is developed to capture the condition of more mature liberal democracies, it also captures similar tensions present at an early stage of democratic transition in less ideal conditions. For instance, the existence of the three kinds of citizens above is by no means unique in advanced liberal democracies. During democratic transition from authoritarian regimes, people need to be properly motivated to endorse democratic values. As for citizens who are already democratic- or liberal-minded, not much more need be said, because they either realize the instrumental and intrinsic value of democracy on their own, or are capable of conjecturally developing full acceptance of democracy

[47]Ibid., 107. To be clear, this multivariate view, which leads to a multivariate democratic polity, is not supposed to replace overlapping consensus or constitutional essentials. Instead, it works to "*supplement*, not to replace public reason." This is so because in hyperpluralist contexts, a stock of shared reasons from which to generate hopefully shareable conclusions "may simply be too thin for conclusions of any consequence to be drawn," which leads public reason to be idle and inoperative (Alessandro Ferrara, "Political Liberalism Revisited: A Paradigm for Liberal Democracy in the 21st Century," *Philosophy & Social Criticism* 42, no. 7 [Sept. 2016]: 690).

[48]I am not suggesting that hyperpluralism as described by Ferrara in the context of advanced liberal democracies is actually experienced among East Asian societies. Instead, I am arguing that the highly divided sociocultural condition created by hyperpluralism in advanced liberal democracies is strikingly similar to the divided attitude toward democracy in East Asia. Hence, Ferrara's analysis can be repurposed to examine the relationship between Confucianism and democracy in the context of this discussion.

[49]Joseph Chan, "Confucian Attitudes toward Ethical Pluralism," in *Confucian Political Ethics*, ed. Daniel Bell (Princeton: Princeton University Press, 2008), 113–38.

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and the constitutional essentials within their comprehensive doctrines.[50] As for citizens whose comprehensive doctrines dictate that they can only partially or not at all overlap with the constitutional essentials, different degrees of prudential reason are required, because the question "why democracy" becomes much harder to answer from within their comprehensive doctrines. For someone guided by classical Confucian meritocracy who does not believe in democratic rule, the acceptance of democracy and the constitutional essentials might come from the rational consideration to avoid the evils of conflict, or from the long-term desire to maintain a Confucianism-friendly public environment under the democratic protection of freedom of speech and religious tolerance.

When applied to an East Asian context, the significance of the multivariate structure is thus twofold. First, in order to be truly pragmatic about democratization, citizens' diverse ways of coming to terms with democracy and constitutional essentials must be recognized throughout the process of democratization, and the three kinds of citizens described above can serve as a good model. Second, instead of limiting Confucianism to the later phase of democratization, which leads to the problem discussed in the previous sections, Confucianism ought to be treated as one among many comprehensive doctrines capable of producing conjectural arguments for democracy during the entire process of democratization.

Two objections naturally arise. First, one might wonder if hyperpluralism fairly describes the modern human condition generally. Even if it does, the question remains whether beginning with the assumption of hyperpluralism is fair for the East Asian region where there were no Wars of Religion and Reformation. These are sensible worries. But it is also worth pointing out again that I am not actually arguing that East Asia is under the influence of hyperpluralism. What I am instead doing is exporting the challenges of hyperpluralism in mature liberal democracies to describe the difficulties confronting democratization in East Asia, where a multivariate polity might offer a more pragmatic understanding of democratic transition and establishment. Second, one might also argue that my characterization of the three types of citizens is too elitist in that citizens are divided into those who "get democracy" and those who do not get it. This is a misunderstanding of my intention.

[50]The latter point requires some clarification. Conjecture constitutes a form of argumentation for Rawls. While public reason aims to arrive at binding conclusions from shared premises, conjectural arguments do not presuppose shared premises. Instead, the ideal form of conjectural arguments is of the kind "because you believe x, you have all reasons to accept y." In other words, people could conjecturally endorse democracy by finding resources and motivations from within their comprehensive doctrines, which is an approach already taken by many scholars who work within the hybrid and compatibility models of the relationship between Confucianism and democracy. See Ferrara, *Democratic Horizon*, chaps. 3 and 5, for how conjectural arguments can be applied to accommodate reasonable pluralism and multiple democracies.

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In fact, elitism is precisely what I try to avoid by incorporating the multivariate structure. As I said earlier, to be truly pragmatic about democracy is to hold a pluralistic attitude toward how people will come to terms with it. Instead of positing the right way to endorse democratic ideals and institutions, citizens are free to come to terms with democracy in their own ways, which in my view is the more reasonable way to theorize about democratic establishment.

A Neutral State

A further question at this point has to do with the nature of the state in a multivariate democracy, which leads to the second component of this alternative model of democracy. From a comprehensive Confucian point of view, now that Confucianism is no longer limited to the later stage of democratization, and that Confucianism *does* have internal resources to support democracy, the multivariate structure might very well work with a perfectionist state that endorses Confucianism as its official doctrine. Is this not a truly Confucian democracy?[51] Take, for instance, Jiang Qing's Confucian constitutionalism: all three types of citizens could be accommodated by either fully endorsing Confucianism for Confucian reasons, or partially endorsing Confucianism for prudential reasons, or fully endorsing Confucianism for prudential reasons. But this is to miss the point of the use of prudential reason. The need for prudential reason in a multivariate polity is not for the purpose of promoting any comprehensive doctrine. Instead, it is for the purpose of ensuring that constitutional essentials can be agreed upon by all citizens so that their free and equal status can be protected accordingly. When a single comprehensive doctrine occupies the constitutional essentials, it is almost never the result of meaningful consensus among citizens who endorse a plurality of comprehensive doctrines. Citizens who do not subscribe to Confucianism will necessarily be in a disadvantaged social and political position.

Moderate Confucian political theorists might object by arguing that there is no need to be as comprehensive as Jiang Qing's Confucian constitutionalism.

[51]It is worth drawing a distinction between a full-fledged democracy where Confucianism is one of many comprehensive doctrines, and a Confucian decent society where a large majority of citizens actively subscribe to and endorse Confucianism. I use the term "decent society" in the Rawlsian sense, which in the Confucian context refers to a society where Confucianism serves as the guiding doctrine for policy and legislation. Although a Confucian decent society might be a reasonable idea when Confucianism is the major religious-ethical culture in a society, it is perhaps too unstable to avert the risk of collapsing into more comprehensive or even authoritarian forms of political Confucianism given the highly pluralistic condition of East Asian societies.

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In fact, Kim's public reason Confucianism aims to bridge Confucianism with democracy by making "Confucian perfectionist goods the core elements of public reason with which citizens can justify their arguments to one another and by which the state can justifiably exercise its public authority to reasonable citizens who otherwise subscribe to various comprehensive doctrines."[52] However, as previous analyses have shown, this approach does not eliminate the potentially inegalitarian relations among citizens, because even this moderate approach prioritizes the necessity of maintaining a Confucian public character.[53] Kim goes so far as to say that in no case are "the fair terms of social integration meant to embrace unreasonable pluralism that is likely to erode the society's Confucian public character."[54] This statement presupposes a highly demanding view of citizenship because of its perfectionist commitment to Confucianism. On the one hand, there is a necessity for citizens and immigrants to "Confucianize" their personal values and commitments in order to properly participate in Confucian public reason. On the other hand, citizens must prioritize the maintenance of Confucian public character over the right to contest and even social integration. Non-Confucian citizens and immigrants can certainly propose an alternative model of public reason, but this alternative is not likely to become widely accepted, because any alternatives that could erode the Confucian public character of society will not be embraced. Not only does it produce inegalitarian relations among citizens, this view also goes against the passion for openness that helps constitute the spirit of democracy.[55]

Therefore, if democracy is understood as a political system by and for the people that respects citizens' free and equal status as moral agents and political participants, then it should become clear that a multivariate democratic polity that recognizes the pluralistic nature of East Asian societies requires a neutral state.[56] Nevertheless, it is crucial to recognize that having a neutral state is not the same as "no Confucianism." To completely drop Confucianism is to say that Confucianism has nothing meaningful to

[52]Kim, "Public Reason Confucianism: A Construction," 187.

[53]I argue this point more fully in Li, "Discontents of Moderate Political Confucianism."

[54]Kim, "Public Reason Confucianism: A Construction," 198.

[55]Besides the passion for openness, Ferrara also includes the passion for the common good, the passion for equality and equal recognition, and the passion for individuality as key elements in the spirit of democracy (*Democratic Horizon*, 48).

[56]Some Confucian political theorists will find this conclusion much easier to accept. For instance, Stephen Angle borrows the concept of "self-restriction" from neo-Confucian thinker Mou Zongsan and develops what he calls "progressive Confucian political philosophy" that shows that a limited government, a constitution, laws, and rights are in fact *required* by Confucianism if it is to realize its own goals. See Stephen Angle, *Contemporary Confucian Political Philosophy: Toward Progressive Confucianism* (Cambridge: Polity, 2012), 29.

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contribute to the democratic and political discourse. But the presence of a neutral state need not go this far. There is indeed a middle ground between "full Confucianism" and "no Confucianism." In fact, Confucianism can have a very active public role to play in a democracy.

The Public Role of Confucianism

One way to see how Confucianism can still play an active public role is to draw a distinction between state and politics. According to Abdullahi Ahmed An-Na'im, the state is "a complex web of organs, institutions, and the processes that are supposed to implement the policies adopted through the political process of each society."[57] In order to fulfill its tasks, the state must necessarily and uniquely possess extensive and effective coercive power, which can be counterproductive or even dangerous "when exercised in an arbitrary manner or for corrupt or illegitimate ends."[58] This fear of abuse of state power motivates An-Na'im to advocate the neutrality of state. But An-Na'im does not stop here; he goes on to draw a distinction between state and politics: "the state should be the more settled and deliberate operational side of self-governance, while politics serves as the dynamic process of making choices among competing policy options." This distinction does not assume a static separation between the two; instead, there are constant interactions between "the organs and institutions of the state, on the one hand, and the organized political and social actors and their competing visions of the pubic good, on the other."[59] According to this view, the state becomes a neutral mediator among citizens who wish to exert influence upon public policies and legislation based on their comprehensive doctrines.

This distinction, when applied to the case of democratization in East Asia, is important for two reasons. First, it makes political participation, which is fundamental for democratic governance, motivating for citizens, because they have strong reasons to publicly voice concerns based on their diverse comprehensive doctrines, which is an equally promising yet much less controversial approach to help citizens recognize and accept the intrinsic value of democracy than Kim's mutual accommodation thesis. Moreover, by channeling concerns based on Confucianism from the bottom up, that is, from the people, it also avoids the potentially comprehensive or even authoritarian implications of a Confucian state from the top down where Confucian ideals and institutions are imposed upon citizens regardless of their comprehensive doctrines. Second, it avoids the undesirable outcome of confining Confucianism to only the private sphere. With its historical influence,

[57]Abdullahi Ahmed An-Na'im, *Islam and the Secular State: Negotiating the Future of Shari'a* (Cambridge, MA: Harvard University Press, 2008), 5.
[58]Ibid.
[59]Ibid.

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Confucianism is certainly one of the most intimate comprehensive doctrines for East Asians. Confucianism has a lot to offer to public and political discourse, but it ought to be carried out in the most reasonable and respectful way, which requires the mediating language between the state and competing comprehensive doctrines in the public sphere to also be neutral. An-Na'im calls this neutral language "civic reason," which includes two elements:

> First, the rationale and purpose of public policy and legislation must be based on the sort of reasoning that citizens generally can accept or reject, and it must be possible to make counterproposals through public debate without being open to charges of apostasy (heresy) or blasphemy as crimes punished by the state. Second, such reasons must be publicly and openly debated, rather than being assumed to follow from the personal beliefs and motivations of citizens or officials.[60]

Civic reason resembles Rawls's public reason in obvious ways, and one might argue that the differences An-Na'im highlights represent not so much a disagreement as a difference in scope.[61] Regardless, the use of neutral language in public debates has three distinct advantages. First, it avoids the idealization that the people who control the state are likely to be neutral, because people are more likely to act on their personal beliefs or justifications, which can be detrimental when they also serve as state officials. Second, the requirement to present publicly and openly justification that is based on reasons which the general public can freely accept or reject will "over time encourage and develop a broader consensus among the population at large, beyond the narrow religious or other beliefs of various individuals and groups."[62] Finally, safeguarded by principles of constitutionalism, human rights, and citizenship, the use of civic reason will also make the intrinsic value of democracy as a way of life much more likely to be realized among the general public who are no longer under the fear of state imposition and are capable of voicing their concerns as free and equal citizens even if their comprehensive doctrines are in the minority.

Take gender equality and filial piety as two cases in point. It is well established that traditional societies in East Asia have been patrimonial and patriarchal under the influence of Confucianism. One of the reasons is that one can find explicit justifications for gender inequality in the classical Confucian texts. For example, there is a pervasive distinction between men and women, where the latter are associated with the inner (*nei*) and the former the outer (*wai*).[63] In other words, the role of a woman/wife is within the family, meaning taking care of domestic affairs, such as doing housework,

[60]Abdullahi Ahmed An-Na'im, "Islamic Politics and the Neutral Sate: A Friendly Amendment to Rawls?," in *Rawls and Religion*, ed. Tom Bailey and Valentina Gentile (New York: Columbia University Press, 2014), 257.

[61]Ibid., 261–63.

[62]An-Na'im, *Islam and the Secular State*, 8.

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educating children, and caring for the elderly, whereas the role of a man/husband is to handle social affairs, such as making a living and having a career outside the family in order to provide for the family. This distinction is certainly evolving, and contemporary East Asian societies have already witnessed the rise of feminism in a variety of areas. The point is that this distinction is very difficult to endorse with neutral reasons in the public sphere, especially when the free and equal status of citizens is safeguarded by constitutionalism, human rights, and citizenship. When the language of the state is guided by Confucianism, however, there will always be the risk that undesirable features of traditional Confucianism can somehow be justified and applied through the coercive power of the state.

Filial piety (*xiao*), which is a central virtue in Confucian role ethics that requires respect for one's parents, elders, and ancestors, is another crucial example. In the private sphere, filial piety is still commonly practiced among family members in East Asian societies. The most effective way to ensure the practice of filial piety is certainly through a Confucian state whose coercive power will guarantee that those who fail to perform it will be punished. But this measure is both theoretically and practically problematic. In the actual public sphere, it will be challenging to argue that one ought to respect and take good care of one's parents because Confucian doctrines so dictate, especially when there are competing comprehensive doctrines in a pluralistic society that may be silent about the matter. In fact, very few actual practitioners of filial piety are motivated by the classical texts and traditional justification. On the contrary, many practice it simply as a "habit of the heart."[64] Thus, a more reasonable way to propose the practice of filial piety is through neutral reasons that all citizens can accept or reject. For instance, the demographic problem is looming large in Asia as a whole. According to data from the World Bank, "Japan began losing population in 2011, after decades of dropping birthrates," which makes Japan "home to the world's most aged population" with 33% of its citizens sixty or older in 2015.[65] The one-child policy in China similarly exacerbates the problem on a much larger scale. The rise of the aging population and the lack of sufficient measures to take care of the elderly are good reasons to nudge public policy and legislation to address this issue. Without relying on Confucian justification or a Confucian state, these neutral reasons serve as much less controversial motivations for the state to utilize its coercive power for the benefit of the people.[66]

[63]See *Li Chi: Book of Rites*, ed. C. C. Chai and W. Chai, trans. James Legge (New York: University Books, 1967), chap. 2.

[64]Kim, "Public Reason Confucianism: A Construction," 193.

[65]Michael Auslin, "Asia's Promise Gives Way to Its Growing List of Troubles," *Wall Street Journal*, https://www.wsj.com/articles/asias-precarious-rise-1488559173, accessed April 21, 2017.

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These two examples also help respond to the objection that democracy and democratization in East Asia will lose their uniqueness if East Asian nations democratize according to the multivariate model with a neutral state. This objection from uniqueness has been raised quite frequently against recent hybrid theories of Confucian democracy.[67] However, as our previous examples have demonstrated, the challenges confronting East Asian societies when it comes to democracy and democratization are quite unique in themselves, which necessarily makes the actual forms of democracy that take root here different from their Western counterparts. One ought to understand democracy as a dynamic political system that adapts to the people and their history rather than a static political institution that limits the people and their future.[68]

Thus, this view of mediation between state and politics avoids many problems associated with a Confucianism-oriented view of public reason that does not recognize the need to keep a balance between competing comprehensive doctrines in public and political discourse.[69] Regardless of how Confucian scholars reinterpret classical Confucian texts or come up with novel ways of juxtaposing democratic ideals and institutions with Confucian values, they are inevitably confronted with a legitimacy problem of the Confucian state in light of the pluralistic condition of East Asian societies.[70] The state ought to play the role of neutral moderator among competing comprehensive doctrines in order to "ensure that institutional actors do not abuse the powers and authority of the state to impose their views on others or promote their narrow self-interest."[71] The neutrality and autonomy of the state justify its validity and coercive power. In return, the democratic protection of freedom of speech and toleration toward competing comprehensive doctrines in the public sphere will ensure that Confucianism does not lose its cultural significance.

[66]In the European Union, for instance, Article 25 of the Charter of Fundamental Rights of the European Union mentions the "rights of the elderly to lead a life of dignity and independence and to participate in social and cultural life" without resorting to controversial comprehensive doctrines (http://www.europarl.europa.eu/charter/pdf/text_en.pdf, accessed May 10, 2017).

[67]Both Sungmoon Kim's public reason Confucianism and Joseph Chan's political Confucianism are confronted with this objection. See Kim, *Public Reason Confucianism*, 241–45; Chan, *Confucian Perfectionism*, 204.

[68]For this reason, I have been avoiding a precise definition of democracy so as to make room for a diversity of arrangements to be made even within the same multivariate model suggested here. I am grateful to an anonymous reviewer for pushing me on this issue.

[69]For Confucian public reason, see Kim, *Public Reason Confucianism*.

[70]Again, I am not completely ruling out the potentially reasonable approach to form a Confucian decent society where Confucianism is actively endorsed by a large majority of citizens. But whether or not this society can be democratic is an entirely different question that I have no room to address here.

[71]An-Na'im, *Islam and the Secular State*, 89.

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Conclusion

Sungmoon Kim's pragmatic Confucian democracy aims to provide a mediating position between the Schumpeterian and instrumental model, and the Deweyan and intrinsic model of democracy by taking advantage of instrumental reasons during democratic transition and consolidation, and a mutually accommodating relationship between Confucianism and democracy during democratic maturity. However, pragmatic Confucian democracy becomes problematic when the commitment to acknowledge reasonable pluralism in East Asian societies conflicts with a cultural justification of Confucianism in democratic theory. In response, an alternative model of democracy is proposed to better accommodate the pluralistic condition in East Asia. Specifically, a multivariate structure carries the pragmatic turn to its suitable extent by clearly recognizing a diversity of reasons to support democracy from different groups of citizens. A neutral state is the logical consequence of the multivariate structure and safeguards the conflict that may arise between competing comprehensive doctrines. Finally, Confucianism is not confined to the private sphere; instead, it can play an active public role as one of the many influences contributing to political discourse. This multivariate democracy, in my view, represents a more reasonable model for the future of democracy in East Asia.

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