Response: Confucianism to Correct the Excesses of Democracy and Nation-State

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Multiple Modernities and Multiple Confucianisms

In *Against Political Equality: The Confucian Case*, I show how Confucianism can correct the excesses of democracy by introducing meritocratic elements into governance while preserving the liberal elements of liberal democracy, and how it can correct the excesses of nation-states by introducing the notion of humane duty into the global order while preserving states and eschewing cosmopolitanism.

As Hui-chieh Loy correctly points out, I chose Confucianism not because Confucian elements "are still in force" in certain societies and need to be dealt with in establishing a government. Rather, I believe that Confucianism has proposals that are universally applicable and good, but are not adequately explored. Although I use historical and empirical examples to illustrate some of my points, I defend the goodness of Confucian proposals on a purely theoretical ground, and not by appealing to the alleged success of traditional (Confucian?) China.

I do, however, make one controversial claim about China's history. I argue for the resemblance in *some* important aspects between the so-called Spring and Autumn and Warring States periods (SAWS, roughly from 770 BCE to 221 BCE)—the transitional periods in which Confucius and Mencius, the two Confucian thinkers I mainly rely on in my discussion of Confucianism, emerged—and the European transition to early modernity, and I contend that this resemblance could make Confucius's and Mencius's ideas relevant in our times. This claim regarding China's early modernity is the main target of criticism of Russell Fox's comments. A simple response is that Confucianism could still be relevant in modern times, even if it emerged in a premodern age. After all, some of us still read Plato and Aristotle for inspiration concerning issues of modernity.

But I wish to insist on my controversial claim. Obviously, its truth depends on how we understand modernity. In my book, I take as a key feature of modernization the transition from the nobility-based, "feudalistic" hierarchy of close-knit and autonomous communities (*gemeinschaft*) on various levels to large, populous, well-connected, mobile, plebeianized societies (*gesellschaft*) of strangers. Some of what worked in a community of acquaintances

stopped working in a society of strangers, and this, to me, is a key political challenge of modernity. This is why, although I recognize the value of possible Confucian contributions to the flourishing of what Fox calls "modern civil spaces," I did not consider building parallels between Confucianism and communitarianism, republicanism, or "Deweyanism," as Fox and Sungmoon Kim suggest. For communitarianism and republicanism, in their original forms, worked in small communities, such as the New England township of a few thousand people in Tocqueville's America.

Faced with the transition to "modernity," Confucians could be understood as offering conservative proposals that work only in small communities as well, and it is quite reasonable to draw parallels between them and republicans as well as communitarians. The Warring States thinker Han Fei Zi took this reading, and criticized Confucianism as ineffective and even dangerous. In my book, I explicitly state that my reading of Confucianism is a progressive and post–Han Fei Zi reading. Indeed, a key argument in my book is that in politics, size matters, and a fundamental hurdle for average voters to be informed is precisely the size of most contemporary states. If we can lift people up to the level of competent and virtuous decision-makers through republican, communitarian, or "Confucian" means, then there is no need to undertake meritocratic corrections.

Meritocracy to Correct Democracy

With the collapse of feudalism, equality naturally emerged, and was embraced by early Confucians. Mencius and Xun Zi even claimed that anyone can become an ideal human being and Confucian sage-ruler. But the equality they embraced concerns equal potential and equal opportunity. In reality, all the three early Confucians believed that only the few can fully realize their potential. It is not the case, as Kim contends, that common people are only allowed to be educated to see their moral and intellectual incompetence. Rather, they are common people because in reality, they have not, or *not yet*, succeeded at actualizing their potentials so as to be qualified as full-fledged decision makers, in spite of their equal potential and the equal opportunity guaranteed them by the state.

This nuanced position about human capacities is a *fundamental premise* for Mencius, but he does offer reasons supporting this premise. He argues that common people are distracted by their daily activities, which prevent them from getting informed. Living in an agrarian society, Mencius was apparently talking about manual labor, but in contrast to Kim's reading, I believe that this is not fundamental to Mencius's teaching, and his suspicion can be generalized as one about anyone who cannot devote himself or herself to political matters, which would include most of today's white-collar workers and college-educated people, the so-called learned *ignorami*.

In my book, through the four problems of democracy, I wish to show why the democratic institution of "one person, one vote" is *structurally* flawed, and why voters' failure to be informed cannot be addressed by education, including education that, paradoxically, makes the common people know that their educational achievements are inadequate, or by other republican and communitarian efforts. Only an institutional cure, such as the introduction of meritocracy to the governing structure, can fix the problem.

Therefore, I used examples from American politics not as "Exhibit A," as Alan Patten suggested, but as an illustration of some of the theoretical points. Failures in American democracy may corroborate my challenges, or may lead people to challenge the desirability of democracy, but the root of my challenge is theoretical, not empirical.

But even if problems of democracy are real, do we have to take the drastic meritocratic cure? According to Patten, designers of democratic institutions have looked for (meritocratic?) ways to foster deliberative long-term thinking within such institutions. In my book, I argue that these "internal" corrections are still fundamentally inadequate, because "meritocrats" in these designs are still eventually beholden to the will of the voters. As a result, they either do not dare to challenge the people, or if they do violate the will of the people, their actions, lacking an independent source of legitimacy, will eventually be squashed by people's fury.

But do meritocrats necessarily produce better results? Patten argues that the jury is still out. It seems to be common sense that people with greater intellectual capacities and care for the people *should* make better decisions, and a total rejection of the authority of experts seems to lead to relativism and chaos. Indeed, the aforementioned point by Patten that there are already meritocratic designs within democratic institutions presupposes the merits of meritocrats. But I do appreciate the concerns with putting too much trust in experts. In the hybrid regime I propose, voters with "modest intellectual and moral capacities" can still contribute to and influence politics through popular elections for the lower house. Moreover, even if the experts do not always do a better job, their existence itself is an education to the people that political decision-making is not an inborn right, but a right to be *earned* by intellectual and moral efforts.

Even if the introduction of more meritocratic elements into the regime serves people's interests better in terms of the results produced, Patten argues that this is based on a narrow, "instrumental" service conception of legitimacy. In a "generic" sense, the people also have a legitimate interest in how the decisions are made. In my hybrid design, there are still popular elections and referendums, and the competitive path to the upper house is open to everyone. I also acknowledged the *instrumental* significance, the "practical and psychological benefit," of making people feel involved (81). After all, for Confucians, it is about winning the hearts and minds of the people, not merely about feeding them. But a Confucian design would not endorse people's "process interests" if they have to be expressed through self-governing and "one person, one vote."

Although, as Patten suspects, my criticisms of democracy may resonate with realists, the four problems of democracy are based mostly on a theoretical and structural analysis of democratic regimes. I have also tried, in theory, to correct the possible excesses of the meritocracy in the hybrid regime. The upper house has to be large enough to prevent the easy formation of cliques, and mobility has to be guaranteed to prevent the elites from seeing things from a stagnant and closed perspective. Meanwhile, we should see that in a democratically elected house, members are often beholden to particular constituencies, or, even worse, to the most vocal and fanatic members of these constituencies. Maybe a balance of all these different perspectives is the only possible cure, if no one has the God's-eye view.

A Liberal but Hierarchical Order

A key point of Fox's objection to my thesis about China's early modernity is that urban life, and what is entailed by it, "heterogeneity of anonymity," were absent in the SAWS. But how essential are these urban elements to modernity? Many other elements, such as equality, freedom, and the rational bureaucracy described by Weber, which are often associated with modernity, can be explained by the social and political changes I described earlier in this response. Even if urban elements are also key to modernity and were absent in China during the SAWS, we can still discuss how early Confucians dealt with other key elements of modernity as long as the latter elements were present during the SAWS and were separable from the former.

Moreover, although his focus was to construct unity through rational bureaucracy rather than tolerance of different values, Han Fei Zi offered an early argument for the inevitable plurality of values in his times. This is one reason I stay away from a moral metaphysical reading of Confucianism and make Confucianism "thin" enough to be the universal political framework in a pluralistic and "heterogeneous" society.

But there are unique features of European modernity, such as the Greek and Roman traditions, and the "messiness" of medieval Europe and its transition to modernity. For example, the "free imperial cities" were absent in China, and various levels of the feudal hierarchy were not clearly constructed in Europe, which may have paved the way for checks and balances of different power centers. It may well be the case that, as suggested by the observation of Warren Magnusson that Fox quotes, liberalism is "a doctrine that articulates principles implicit in urban life." This is perhaps one reason that, although there were constitutional elements in traditional China, the checks and balances offered by the rule of law and liberalism were developed much more fully in modern Europe than in traditional China. This may be a hidden reason for me to argue that Confucianism can *endorse* liberal values, rather than that these values are intrinsic and derivable from Confucianism.

Kim questions my argument for the Confucian endorsement of rights, and the greater influence on laws by the meritocrats. The rights and laws in my discussion are the basic rights and laws that constitute a liberal and constitutional framework, such as the freedom of speech and the openness and fairness of legal procedure, within which particular deliberations about other rights and legislations take place. As for the Confucian endorsement of the freedom of speech, one reason for it is that, in order to know whether people are satisfied with the service of the government, their voices need to be heard. This endorsement and the rejection of the right of self-governing are compatible.

Internationally, the liberal global order is in trouble, and the root cause is the paradox that globalization, an attempt to transcend states, is led by nation-states that are willing to violate any international rules if they can, and if it suits their interests. Existing international institutions, such as the UN, and theoretical proposals inspired by cosmopolitanism are ill-equipped to deal with the challenges of nation-states, because only the latter have the real "swords" rather than mere words. In the Confucian "New Tian Xia Order," states are still the primary international actors, and they are still justified in prioritizing their own state interests. But the Confucian hierarchy of care also requires a state to care about other peoples, though not as much as it must about its own people. Global order needs to be maintained by benevolent "world police," states that perform their humane duties through this hierarchical care. This global order is symmetric to the domestic one in that both give more political decision-making powers to the moral and capable members in these orders.

How to Realize

One of Loy's reservations is whether Confucianism, or any early modern political philosophy, can be relevant today. I hope that I have made my case *in theory*. But as Patten argues, even if the hybrid regime is indeed desirable, it may not be stable, because, given the fact that democracy "flatters" the people and is almost everywhere in the globe, people will use their liberties to demand democracy. To this I will add the observation that some people are also attracted to various authoritarian models, and I am fighting two enemies, populism within and authoritarianism without, at the same time. Maybe people will eventually become disillusioned with democracy, and some hybrid regimes and international alliances of humane states, rather than authoritarian regimes and a global "jungle" of nation-states, will become successful and thus lead humanity to a new world order. But with Trump still enjoying more than forty percent of support from Americans and a China confident in its own model, and with the United States and China moving farther away from being responsible global leaders and moving closer to a collision, I am not very hopeful.