

Democracy or Hierarchy?

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The core theory of governance of Tongdong Bai's *Against Political Equality: The Confucian Case* is built around a fundamental distinction between democracy and hierarchy. Bai identifies democracy with political equality, or, as he frequently puts it, "one person, one vote." Hierarchy, by contrast, consists in a system of governance that gives greater rights and prerogatives to a meritocratically selected elite. While Bai argues against pure democracy—"against political equality," as the book's title puts it—his position on meritocratic hierarchy is more qualified. He defends a "hybrid" that retains some democratic elements, but balances them with counterposing hierarchical elements. Although this theoretical position is intended to be consistent with a range of institutional realizations, Bai offers some illustrations of what a hybrid might involve. It might combine democracy at the local level, and in elections for a lower house in a bicameral legislature, for example, with meritocratic selection of an upper house based on examination or experience.

Bai's main argument against political equality rests on the conviction, which he attributes to Mencius, that "it is impossible for the working class to make sound political decisions, [because] their judgments are either based on narrow and immediate self-interest and bias or are misdirected by demagogues" (46). As voters, ordinary working people tend to elect leaders on the basis of their likeability rather than their merits. They ignore the interests of foreigners and future generations (who are not enfranchised), and they have no compunction about overriding the legitimate interests of minorities. In general, voters in democracy are given great power, but they exercise it on the basis of "appalling political ignorance" (56). The core of the Confucian position, as Bai reconstructs it, is that government should serve the interests of the governed. With this service conception of government legitimacy, and the assumption that working people lack the capacities necessary for political participation, Confucians conclude that government power should be entrusted to "the intellectually and morally superior" (47).

Bai articulates this case for hierarchy in a Confucian idiom, but the core argument will be instantly familiar to political theorists steeped in the tradition of Western political thought. As Bai notes, some "fundamentalist" Confucians reject liberal democracy on the grounds that it is rooted in Western culture (242–43). But meritocratic arguments against democracy have an equally long-standing place in the Western tradition. From Plato and other elite Athenians to strands of

contemporary American conservatism, it has long been argued that ordinary people are too ignorant and self-centered to be entrusted with self-government. While this argument is bound to strike many as self-satisfied and contemptuous, we should remember that Bai's account is advanced in a different global and political context than is occupied by conservatives in the Western tradition.

I have a number of analytic questions and concerns about Bai's account that I hope will push him to expand and sharpen his arguments.

1. Conception of Democracy

In some respects, Bai's conception of democracy remains undertheorized. He says that the principle of "one person, one vote" is "essential" to democracy (53), but clearly this is not the only defining commitment of democracy. In addition to a principle giving each voter one and only one vote, democrats also believe in universal suffrage (who gets to vote), majoritarianism (how the votes aggregate to determine a winner), and equal opportunity for informal political influence (the context in which voting occurs). These might seem like fussy reminders, but they matter to the empirical comparison of democracy and hierarchy. Like many current critics of democracy, Bai points to the United States as Exhibit A of the bad results associated with democracy. But in important respects the United States does not fit the profile of a pure democracy. Countermajoritarian institutions—including the Senate, Electoral College, and the Supreme Court—play very powerful roles in American politics. The equal suffrage of poor and minority voters is effectively limited by many obstacles that are deliberately created by public policy. And the richest American individuals and corporations are able to dominate public discourse. US failures around climate policy—one of Bai's main examples (56–58)—may be less an indictment of democracy than a consequence of some of the egregiously undemocratic features of the American political system.

A second weakness in Bai's discussion of democracy concerns its relationship with meritocracy. Bai rightly sees democracy and hierarchy as conceptually opposed to one another. But democracy need not be opposed to meritocracy. Designers of democratic institutions have always looked for ways to improve decision making within such institutions. Representation is one device intended to have this consequence, as are various electoral and legislative rules and procedures designed to promote better deliberation. Democracies have executives, and, in modern states, executives have access to professional civil services. Where officials have some autonomy, and are accountable to democratic representatives, meritocracy coexists with democracy.

2. The Service Conception of Government Legitimacy

A foundational commitment of Bai's Confucian approach is to the idea that "the legitimacy of the state lies in service to the people" (47). While this

service conception of legitimacy seems straightforward enough, it can be interpreted in two ways. According to a “generic” interpretation, government is legitimate if and only if it promotes or realizes the legitimate interests of the people. According to an “instrumental” interpretation, government is legitimate if and only if its decisions advance the legitimate interests that people have outside of the sphere of governance. The language of “service” suggests the instrumental reading, but this reading makes the service conception quite controversial. By limiting attention to the *results* of government decision making, it rules out the possibility that the people have a legitimate interest in *how* decisions are made. A generic formulation, by contrast, is consistent with recognizing both result-based interests and process-based interests. While less controversial, this view does not clearly support meritocratic hierarchy. To do so, Bai would need to show that hierarchy outperforms democracy in producing good results *and* that people do not have compelling process-related interests that swing the overall comparative argument in favor of democracy. As I read Bai’s book, it either simply assumes without argument the instrumental conception, or it adopts the generic conception but fails to explore possible process interests.

A further problem with a results-based theory is that it is unclear which results to count as good ones. Despite his apparent reliance on superior results to justify the hybrid system, Bai has surprisingly little to say about which results he has in mind. In several places, he mentions economic growth as relevant (52, 105), but this highlights a problem. Given that it conflicts with other possible social goals, how much to value economic growth is precisely the sort of question that a system of governance should help to resolve. It is question-begging to *assume* the superior value of growth when comparing alternative systems. Because the same could be said about other possible social goals, many political theorists have been drawn away from results and towards process values as the fundamental metric for making comparisons.

Bai might respond by insisting that the inferior intellectual and moral capacities of many voters imply that results achieved under democracy will be *generally* worse than under his preferred hybrid. Maybe so, but we should not discount the possibility that even voters with modest intellectual and moral capacities might contribute to some better outcomes, perhaps simply by being able to experience relevant forms of satisfaction and dissatisfaction. A theory based on results would need to examine the empirical evidence much more thoroughly than Bai does.

3. Asymmetric Idealization

Throughout Bai’s book, democracy is portrayed very much as the realists see it. Bai notes that Rawls articulated a concept of “reasonable” citizens, and favored a form of “deliberative” democracy (59–62). Liberal thinkers like

Rawls favor well-informed and actively participatory citizens who are guided by a sense of justice. “Unfortunately,” Bai informs us, “it seems that we cannot realistically expect the reasonable people to form a majority” (60).

With limited exceptions (e.g., 89–90), a corresponding realist perspective on meritocratic hierarchy is absent from the book. One might expect that concentrating significant power in a group of already successful people, and removing mechanisms of democratic accountability, would imply a serious risk that government will ignore the interests of the people. Such a system creates many opportunities for corruption and self-dealing on the part of the elite, and gives tremendous power to whichever agent is responsible for selecting people into the elite and judging their performance. It is predictable that loyalty to the particular vision and goals of that agent will quickly become the dominant factor. There is also significant risk that members of the elite, given their meritocratic achievements, will struggle to see things from the standpoint of the less advantaged, and for this reason fail to serve the people’s interests.

Rather than compare a realist view of one regime type with an idealized view of another, a more balanced approach should consider how likely it is that each ideal can be realized, and, if it fails, what nonideal fallback regime will likely emerge. It seems possible that this sort of analysis might end up vindicating Churchill’s dictum about democracy after all—that it is the worst form of government, except for all the others that have been tried (52). The ideal types in both the models explored by Bai are very hard to realize. But the corruption of hierarchy is really bad, while the corruption of democracy is something that is at least tolerable. Bai himself seems to hint at such a conclusion late in the book (283).

4. Liberalism, Hierarchy, Democracy

One striking feature of Bai’s theory is its insistence on preserving certain liberal elements, even while compromising democracy with meritocratic hierarchy. Unlike some critics of liberal democracy, who favor nonliberal democracy, Bai argues for liberal nondemocracy. “The rule of law and human rights are endorsed and firmly established in this Confucian regime” (68; xv, 53, 244).

I am reluctant to criticize this feature of Bai’s view, since it contributes to the humane and moderate character of his proposal. However, I worry that liberal nondemocracy does not form a stable equilibrium in today’s world. Given the global pre-eminence of democracy, and given the ways in which democracy “flatters” ordinary people (as critics would put it), it is predictable that people will use their liberal rights to demand democracy. They will speak out, assemble, link up with others, march, protest, and so on, in favor of democratic transition.

If this is correct, then liberal nondemocracy may eventually face a dilemma. Either it will have to abandon the liberal guarantees in order to protect

nondemocratic institutions, or it must accept democracy as the best form of governance that is consistent with respect for individual freedoms and the rule of law. The choice is authoritarianism or liberal democracy: there is no stable middle ground.

Liberalism without Democracy?

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Contemporary Confucian political theory is often formulated as an alternative to liberal, rights-based, individualistic democracy, and many Confucian democrats present their vision of Confucian democracy in terms of a nonliberal and communitarian democracy. Tongdong Bai's *Against Political Equality: The Confucian Case* is one of the rare attempts in Confucian political theory to shift attention from nonliberal democracy to liberal nondemocracy. Bai's central argument is that although Confucianism, especially the version developed by Mencius, can be compatible with liberalism, which he understands in terms of rule of law and the exercise of rights, it can never accommodate democracy understood as rule by the people.

In making this argument, Bai appeals to the following propositions: (a) in Confucianism, political authority is justified by its service to the material and moral well-being of the people (34); (b) Confucianism assumes a division of labor between the wise and virtuous political elites and the ordinary people (whom Bai calls "the masses") and allows only the former the right to rule (45); (c) the masses may be able to express their (dis-)satisfaction toward the government, but "they are not capable of deciding which policies have made or will make them satisfied" (50); (d) there is an inherent disvalue in democracy underpinned by the "one person, one vote" principle, not only because of the complexity of public decision-making, but, more importantly, because of the critical moral and epistemic limitations of the people, whom Bai understands to be self-interested, myopic, uneducated, or misinformed (53–54); (e) although Confucianism, with its acknowledgment of moral equality among the people as human beings, endorses partial democracy understood as rule *for* and *of* the people, many liberties and rights, and equality before law,