

## **To Become a Confucian Democratic Citizen: Against Meritocratic Elitism**

SUNGMOON KIM\*

This article critiques the meritocratic justification of Confucian democracy from the standpoint of democratic civil society by shifting the focus from *governability* of the people to their *transformability*. Its central claims are: (1) Confucian virtue politics (*dezhi*) can be creatively re-appropriated in a democratic civil society in terms of cultivating civility in ordinary people who belong to different moral communities; (2) in the modern East Asian social context, the Confucian ideal of benevolent government (*ren zheng*) can be attained better by the victims of socio-economic injustice contesting it democratically in the public space of civil society than by ‘thin’ democracy controlled by meritocratic elitism. ‘Confucian civil society’ operating on Confucian ritually mediated civility is an alternative to meritocratic elitism.

Over the past two decades Confucian social and political theorists have struggled to refute Samuel Huntington’s claim that ‘Confucian democracy’ is a contradiction in terms<sup>1</sup> by forcefully demonstrating the compatibility of Confucian and democratic values.<sup>2</sup> Though some are still sceptical of the possibility of Confucian democracy as an integrated value system,<sup>3</sup> Confucian scholars of late are increasingly drawn to the *construction* of Confucian democracy as a culturally relevant and politically viable normative vision and practice in East Asia.<sup>4</sup>

As Daniel Bell argues, however, recent studies of Confucian democracy lack detailed institutional prescriptions. In Bell’s view, by understanding democracy as a set of values, a way of life or a set of social conditions, the existing literature of Confucian democracy dismisses the dimension of democracy as a political system, thus offering no practical

\* Department of Public and Social Administration, City University of Hong Kong, Hong Kong (email: sungmkim@cityu.edu.hk). The earlier version of this article was presented at the Annual Meeting of the American Political Science Association in Seattle, 2011. The author is grateful to Omar Dahbourfor, Russell Fox, Linda Li, Sor-hoon Tan and three anonymous reviewers for their helpful comments. Special thanks are due to Benjamin Barber and P. J. Ivanhoe for their extensive written comments. The research for this article is supported by the Academy of Korea Studies Grant funded by the Korean Government (MEST) (AKS-2011-AAA-2102). An appendix containing a concordance is available online at: <http://dx.doi.org/10.1017/S0007123412000397>

<sup>1</sup> Samuel P. Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman: University of Oklahoma Press, 1991), p. 307.

<sup>2</sup> David L. Hall and Roger T. Ames, *The Democracy of the Dead: Dewey, Confucius, and the Hope for Democracy in China* (Chicago and La Salle: Open Court, 1999); Sor-hoon Tan, *Confucian Democracy: A Deweyan Reconstruction* (Albany: State University of New York Press, 2003); Brooke A. Ackerly, ‘Is Liberalism the Only Way toward Democracy?’ *Political Theory*, 33 (2005), 547–76; Shaun O’Dwyer, ‘Democracy and Confucian Values’, *Philosophy East and West*, 53 (2003), 39–63.

<sup>3</sup> Chenyang Li, ‘Confucian Value and Democratic Value’, *Journal of Value Inquiry*, 31 (1997), 183–93; Ruiping Fan, *Reconstructionist Confucianism: Rethinking Morality after the West* (Dordrecht: Springer, 2010).

<sup>4</sup> For instance, see Sungmoon Kim, ‘Filiality, Compassion, and Confucian Democracy’, *Asian Philosophy*, 18 (2008), 279–98.

contribution to the constitutional design of Confucian democracy in the non-ideal situation.<sup>5</sup> Bell's key argument is that Western-style liberal democracy is not plausible in Confucian societies where there remains a strong tradition of respect for meritocratically chosen political elites, and therefore the most culturally relevant form of democracy in such societies is a meritocratic democracy.<sup>6</sup> In the same vein, Joseph Chan concludes his essay on the possibility of Confucian democracy by saying, 'How to combine democracy and meritocracy is one of the most interesting and challenging issues for Confucianism today.'<sup>7</sup> Echoing Bell and Chan, Tongdong Bai asserts that Confucian democracy should be a limited, or 'thin', democracy in which popular sovereignty or the citizens' political equality is properly limited by Confucianism's meritocratic/elitist consideration.<sup>8</sup>

As an institutional mechanism to reconcile meritocracy and democracy, Bell and Bai propose the examination model and the levelled model, respectively. Bell's examination model, which is inspired by the imperial civil service examination system employed in pre-modern China, proposes a bicameral legislature with a democratically elected lower house and an upper house – which Bell names House of Virtue and Talent – composed of deputies selected on the basis of competitive examination. What is distinctively 'Confucian' about this proposal, according to Bell, is its resolution of the possible gridlock between the two houses by means of 'a constitutional formula providing supermajorities in the upper house with the right to override majorities in the lower house.'<sup>9</sup>

While Bell's model, focused on the legislature, supports a (limited) representative democracy, Bai's levelled model is less compatible with competitive election because of its entanglement with special interests, and thus is more geared towards meritocracy. According to Bai's model, common people are allowed to participate in local affairs, with which they are familiar, but not in higher-level (i.e. national or central governmental) affairs that are beyond their grasp. Only local officials can participate in decision-making processes in the national/central government, because they are 'free from specialized jobs and exposed to policy-making on a local level that is itself often connected with policies on a higher level.'<sup>10</sup> That is, Bai's model embraces electoral democracy on a local level but rejects any democratic procedures on the national level.<sup>11</sup>

Certainly, the meritocratic approach of Confucian democracy has a few theoretical and practical advantages. First, it transcends the conventional opposition between Western liberal democracy and Confucian authoritarianism, the problematic dichotomy to which many social and political scientists including Huntington subscribe. Secondly, without

<sup>5</sup> Daniel A. Bell, 'Taking Elitism Seriously: Democracy with Confucian Characteristics', in *Beyond Liberal Democracy: Political Thinking for an East Asian Context* (Princeton, N.J.: Princeton University Press, 2006), pp. 152–79.

<sup>6</sup> Among China-based Confucian scholars, Jiang Qing makes a similar yet far more sophisticated claim, which I cannot fully illustrate here. See Jiang Qing, *Zhengzhi ruxue (Political Confucianism)* (Beijing: Sanlian shudian, 2003). Bell's work cited above is, in my view, the most interesting philosophical extension of Jiang's work on meritocracy as it connects with the liberal-democratic tradition.

<sup>7</sup> Joseph Chan, 'Democracy and Meritocracy: Toward a Confucian Perspective', *Journal of Chinese Philosophy*, 34 (2007), 171–93, p. 191.

<sup>8</sup> Tongdong Bai, 'A Mencian Version of Limited Democracy', *Res Publica*, 14 (2008), 19–34.

<sup>9</sup> Bell, 'Taking Elitism Seriously', p. 171.

<sup>10</sup> Bai, 'Limited Democracy', p. 28.

<sup>11</sup> In Bai's essay, the distinction between examination model and levelled model is not always clear. In fact, Bai admits that the two models are 'complementary and can be further combined'. See Bai, 'Limited Democracy', p. 29.

resorting to the liberal constitutional mechanism of checks and balances between the three branches of government, it can still safeguard itself from the evil of democratic tyranny or the tyranny of the majority.

That being said, however, both the proposal and the models of Confucian meritocratic democracy are problematic. First, proponents of Confucian meritocratic democracy present Confucianism as naturally upholding political elitism but this presentation is premised on the mistaken assumption that political elitism is the natural corollary of Confucian virtue politics (*dezhi*). While the former (*dezhi*) was upheld by all classical Confucians who were genuinely committed to the Confucian ideal of benevolent government (*ren zheng*), a form of government that best serves the moral and material welfare of the people, the latter (meritocratic elitism), which emerged only after the *politicization* of Confucianism during the imperial period, was essentially of a Legalist origin, concerned more with the security and stability of the state than with the welfare (particularly the moral well-being) of the people.<sup>12</sup> The realization that Confucian virtue politics as a form of moral statesmanship is qualitatively different from meritocratic elitism, and that it is committed to the moral and material well-being of the people should encourage any contemporary Confucian, particularly a *Confucian democrat*, to find a way to realize this Confucian moral commitment in drastically altered socio-economic, cultural and political environments in modern East Asian societies. I seriously doubt whether meritocratic elitism can serve the *differentiated* welfare of the people in modern East Asia, who are increasingly pluralistic (ethically, politically and culturally) and simultaneously plagued by massive socio-economic inequalities.

Secondly, the proposed models of Confucian meritocratic democracy fail to reflect the recent political experiences in democratized (or still democratizing) East Asian societies in, for instance, South Korea and Taiwan. Democratization there was vitalized by active civil societies and it is widely agreed that the presence of active and viable civil society is indispensable to their continued democratization or democratic consolidation.<sup>13</sup> Moreover, the models' top-down approach to governance and their singular focus on the *governability* of the people dismisses wholesale the moral and political transformative power of democratic civil society – the power of reforming private individuals absorbed in their private interests into becoming public-spirited citizens. By regarding the people only as myopic consumers in both the economic and political marketplace, the meritocratic institutionalization of Confucian democracy is likely to promote passive consumerism rather than democratic citizenship, without giving full credit to their moral capacity to become citizens, namely, their moral and political *transformability*.

In this article, I attempt to critique the meritocratic justification of Confucian democracy from the standpoint of democratic civil society by shifting the focus from *governability* of the people to their *transformability*. My central claims are: (1) Confucian virtue politics can be creatively re-appropriated in a democratic civil society in terms of cultivating public civility in the ordinary people, who belong to different moral

<sup>12</sup> On the formation and development of the examination-based bureaucratic system under imperial rule in China, see Etienne Balazs, *Chinese Civilization and Bureaucracy*, trans. by H. M. Wright and ed. by Arthur F. Wright (New Haven, Conn.: Yale University Press, 1964).

<sup>13</sup> See Sunhyuk Kim, 'South Korea: Confrontational Legacy and Democratic Consolidation', and Yun Fan, 'Taiwan: No Civil Society, No Democracy', both in *Civil Society and Political Change in Asia: Expanding and Contracting Democratic Space*, ed. by Muthiah Alaqappa (Palo Alto, Calif.: Stanford University Press, 2004).

communities;<sup>14</sup> (2) in modern East Asian societies the ideal of Confucian benevolent government can be better attained by means of democratic contestation, especially by the victims of socio-economic injustice in the public space of civil society than by thin/minimal democracy controlled by meritocratic elitism. That is, the *differentiated* welfare of the people can be served more effectively and legitimately in a Confucian democratic regime only if there is a viable ‘Confucian civil society’, *a democratic civil society operating on Confucian public civility and serving the differentiated moral and material well-being of the citizens.*

#### CONFUCIANISM, MERITOCRACY AND DEMOCRACY: A CRITICAL INVESTIGATION

Admittedly, Confucian politics is a virtue politics as pre-modern Confucians understood it (*dezhi*). Central to Confucian virtue politics is the assumption that the ruler’s moral virtue is the single greatest locomotive of good government, which critics of Confucianism such as Hanfeizi, the famous Legalist, found utterly naïve.<sup>15</sup> The gist of Confucian virtue politics can be recapitulated as follows: only a ruler who is morally virtuous by correcting himself or by cultivating his moral goodness can govern the people properly, that is, make them equally morally good.<sup>16</sup>

This does not mean that Confucians persist in any mythical causality between the ruler’s moral virtue and good government. To attain good government, namely ‘benevolent government’ (*ren zheng*), the ruler’s moral virtue must be socially mediated by benevolent public policies. But Confucians never doubt that it is the ruler’s moral virtue that propels him to implement benevolent public policies and thereby realize benevolent government. The question is whether Confucian virtue politics implies meritocratic elitism.

Originally, Confucian virtue politics presupposes only *one* ruler, namely the king, and its goal lies in making the incumbent king, who has assumed the throne according to his hereditary right, morally virtuous so that he can commit himself to the material and, more importantly, moral welfare of the people. The problem is that Confucian virtue politics can hardly be effective in the non-ideal world where the king is not necessarily virtuous. Even if he is morally virtuous, the king alone cannot handle all public affairs properly to ensure his government is benevolent. Therefore, a king needs those who can aid his government and, more importantly, those who can enlighten him about the Dao by teaching Confucian classics or by remonstrating with him (according to Confucian rituals) if he goes astray. Those who take part in government should be ‘good and wise’, so as to assume the role of the king’s aide or teacher, or ideally both. This is the ideal of the Confucian ‘scholar-official’ that, I believe, has inspired many proponents of Confucian meritocracy (especially Bell).<sup>17</sup> If Confucian meritocracy means rule by the good and wise, then, it can be admitted that meritocratic elitism is implied in Confucian virtue politics.

The meritocratic elitism that contemporary Confucian proponents propose, however, is a normative belief that ‘only those who acquire knowledge and virtue ought to participate

<sup>14</sup> This normative claim is supported by actual political experience in East Asian societies. For an interesting study on Taiwan, see David C. Schak, ‘The Development of Civility in Taiwan’, *Public Affairs*, 82 (2009), 447–65.

<sup>15</sup> Eric L. Hutton, ‘Han Feizi’s Criticism of Confucianism and its Implications for Virtue Ethics’, *Journal of Moral Philosophy*, 5 (2008), 423–53.

<sup>16</sup> See *Analects* 2:3.

<sup>17</sup> Bell, ‘Taking Elitism Seriously’, pp. 164–5.

in government, and the common people are not presumed to possess the capacities necessary for substantial political participation.<sup>18</sup> Such a view obscures the original Confucian concern with whether those who actually take part in government *really* aid the king properly with benevolent public policies or make him virtuous. What is more salient is the question of who is *qualified* to take part in government. Thus it is understandable why contemporary proponents of Confucian meritocracy distinguish two classes among the citizens – intellectual elites, on the one hand, and the common people, on the other. For instance, Daniel Bell draws attention to two phrases in the *Analects* to support this distinction of the citizens:<sup>19</sup>

The Master said, ‘The common people can be induced to travel along the way, but they cannot be induced to realize it.’<sup>20</sup>

Confucius said, ‘Knowledge acquired through a natural propensity for it is its highest level; knowledge acquired through study is the next highest; something learned in response to difficulties encountered is again the next highest. But those among the common people who do not learn even when vexed with difficulties – they are at the bottom of the heap.’<sup>21</sup>

Unfortunately, Bell does not explain why he thinks these phrases vindicate Confucius’s endorsement of meritocratic elitism as a *political rule*. All I can see in the above phrases (particularly in the second) is the philosophical rationale for the education of common people – an idea which was quite revolutionary in Confucius’s own time<sup>22</sup> – and Confucius’s lamentation concerning *some* hopeless cases.<sup>23</sup> The first quotation has nothing to do with contempt for the common people. According to Ames and Rosemont, the point here is that everyone can find a place on the Way (*dao*), even when they do not participate in constructing it, which is the task of the cultural heroes of every generation.<sup>24</sup> If Ames and Rosemont are correct, what is at issue is not so much the contrast between political elites and ordinary people but between the makers of the Way (sage-kings such as Yao, Shun, Yu, Tang, Wen and Wu) and its ardent followers. This interpretation is also consistent with Mencius’s statement that ‘people [under a sage-king] move daily towards goodness without realizing who it is that brings this about’.<sup>25</sup> At any rate, the passages are not about who is qualified to participate in government, but on the need of moral education or the ‘teachability’ of the people,<sup>26</sup> nor do the passages imply or justify a political rule of a few elite persons over the many.

Tongdong Bai offers a more textually grounded justification for Confucian meritocratic democracy and the text he focuses on is the *Mengzi*. Bai begins by quoting

<sup>18</sup> Bell, ‘Taking Elitism Seriously’, p. 154.

<sup>19</sup> Bell, ‘Taking Elitism Seriously’, p. 153 (fn. 8). In fact, Bell cites one more (*Analects* 12:19), but I do not see its relevance to the so-called ‘Confucian tradition of respect for a ruling elite’.

<sup>20</sup> *Analects* 8:9. Unless noted otherwise, all English translations of the *Analects* of Confucius are adopted from Roger T. Ames and Henry Rosemont Jr, *The Analects of Confucius: A Philosophical Translation* (New York: Ballantine Books, 1998).

<sup>21</sup> *Analects* 16:9.

<sup>22</sup> See H. G. Creel, *Confucius and the Chinese Way* (New York: Harper & Row, 1960), pp. 75–99.

<sup>23</sup> Such ‘helpless cases’ (i.e., those who refused to be educated) include Zai Wo, Confucius’s own student (*Analects* 17:21).

<sup>24</sup> Ames and Rosemont, *The Analects of Confucius*, p. 243 (n. 125).

<sup>25</sup> *Mencius* 7A13 (modified). Unless noted otherwise, all English translations of the *Works of Mencius* are adopted from *Mencius*, trans. by D. C. Lau (New York: Penguin, 1970).

<sup>26</sup> On the ‘teachability’ of the people and its Confucian democratic implications, see Fred Dallmayr, ‘Exiting Liberal Democracy: Bell and Confucian Thought’, *Philosophy East and West*, 59 (2009), 524–30.

Mencius's famous answer for the question of whether a ruler should work in the fields like his subjects:

There are affairs of great men, and there are affairs of small men ... There are those who use their minds and there are those who use their muscles. The former rule; the latter are ruled. Those who rule are supported by those who are ruled. This is a principle accepted by the whole world.<sup>27</sup>

If we dismiss the context of this passage,<sup>28</sup> it seems to endorse meritocratic elitism, a rule by great men (*da ren*), who use their minds, over the small men (*xiao ren*), who use their muscles, such as artisans and farmers. Bai understands the gist of the passages as follows:

[T]he priority for the 'great men' or rulers of focusing on how to promote the material and moral well-being of the 'small men' or the common people makes it impossible for them to do any menial tasks. Similarly, it is implied that those whose time and energy is consumed by daily labour, thus rendering them unable to pay any serious attention to political matters, cannot undertake the task of ruling the state. The labourers Mencius talks about are farmers and artisans, but it is reasonable to include in this group a lot of today's 'white-collar' professionals, such as scientists, engineers, doctors, financiers, teachers, and so on ... because many of them are consumed by their daily work, and many have limited knowledge about public affairs or anything outside of their narrow specializations.<sup>29</sup>

Bai, however, overlooks the fact that sage-king Shun and Yi Yin, sage-king Tang's sagacious minister, were formerly farmers who never had formal training or experience in public affairs. Shun and Yi Yin, who must have been 'consumed by daily labour', were handpicked by sage-kings Yao and Tang solely on the basis of their excellent moral virtue.<sup>30</sup> Contrary to Bai's expectation, Mencius acclaims the appointment of these former farmers to the highest public post because for Mencius the most important (if not the only) qualification for public service is moral goodness, which does not necessarily have to be accompanied by knowledge, foresight or even a settled character. When the state of Lu wished to entrust the government to Yuezengzi, Mencius's student, an inquiry was raised about the key qualifications to become a good official and whether or not Yuezengzi possessed them:

'Has Yuezengzi great strength of character?' 'No.' 'Is he a man of thought and foresight?' 'No.' 'Is he widely informed?' 'No.' 'Then why were you so happy that you could not sleep [upon hearing Yuezengzi's possible appointment]?' 'He is a man who is drawn to the good.' 'Is that enough?' 'To be drawn to the good is more than enough to cope with the whole world, let alone the state of Lu.'<sup>31</sup>

Therefore, Bai's claim that those involved in menial work cannot become great men and thus are not qualified to take part in government does not find strong support in Mencius's political thought.<sup>32</sup> Moreover, it is problematic to identify great men and small

<sup>27</sup> *Mencius* 3A4 (quoted from Bai, 'Limited Democracy', p. 26).

<sup>28</sup> The context is that Mencius was challenging Zhen Xiang (ultimately, his teacher Xu Xing, the Agriculturalist), who was persuaded that the wise ruler shares the work of tilling the land with his people. Mencius's main point here is not so much about the division of labour between two distinct social classes of people but about the seriousness of the work the ruler (the king in this case) does, which is rarely recognized by ordinary people because it does not appear to 'produce things'.

<sup>29</sup> Bai, 'Limited Democracy', p. 26.

<sup>30</sup> *Mencius* 5A1 for Shun and 5A7 for Yi Yin.

<sup>31</sup> *Mencius* 6B13.

<sup>32</sup> Bai presents Mencius as holding a pejorative view of menial works because they are 'animals' activities'. But nowhere in the *Works of Mencius* does Mencius present menial works as animals' activities.



men purely in *political* terms (as rulers and commoners), because for Mencius what distinguishes one from the other is not so much socio-political status as moral character. 'He who is guided by the interests of the parts of his person that are of greater importance is a great man; he who is guided by the interests of the parts of his person that are of smaller importance is a small man,' says Mencius.<sup>33</sup>

This is not to argue, however, that Mencius was a (proto-)democratic thinker, as is often claimed.<sup>34</sup> Living in the ancient feudal world, Mencius never challenged the existing social distinction between the aristocratic class and the lay people. In fact, he (and all other pre-modern Confucians including Confucius) never questioned the moral legitimacy of the monarchical system even if he believed the ideal way to transmit the throne was by abdication (*shanrang*).<sup>35</sup>

Bai, however, attempts to take full advantage of the social distinction of the people that is presupposed in the text of the *Mengzi* when he says:

[T]he 'people' in *Mencius* should be translated literally as 'the men in the capital (*guo ren*),' who were originally taken to be superior to the people in the 'wild' (*ye ren*). ... Therefore, it is reasonable to take 'the men in the capital' as the common people in general.<sup>36</sup>

Bai's point is that not all commoners are allowed to take part in government, but only a qualified few. Bai's interpretation, however, is mistaken in that it takes Mencius's acquiescence to feudal aristocracy for his active espousal of it by equating feudal aristocracy with Confucian moral meritocracy.

Certainly, Mencius maintains that morally cultivated persons (great men) *should* rule those who are not (small men). In this regard, it can be rightly claimed that Mencius supports 'meritocracy', in which merit (i.e., moral virtue) *ought* to be the most important qualification for political leaders and public officials. However, there is no compelling reason to believe that Confucian moral meritocracy thus envisioned ought to be nested in rigid socio-political distinctions between people. The fundamental confusion in recent proposals for Confucian meritocracy is that they see meritocracy as one of the particular systems of political government on a par with monarchy, aristocracy or democracy.

However, meritocracy (as Confucians understood it) only refers to the *character* of any such political system, not the institutional distribution of power itself. It should be recalled that pre-modern Confucians were strongly convinced that Confucian moral meritocracy could be perfectly realizable under monarchical rule or alongside the aristocracy of the Confucian literati. Thus understood, the political proposal to limit democracy through meritocratic elitism is not very convincing either theoretically or practically, as it confounds the source and distribution of political power with the moral character of a political regime.

If the question is how to constrain democracy because unchecked democracy inevitably undermines itself, there are various ways to achieve such constraint – through, for instance, the constitutional mechanism of checks and balances among the three branches of government, federalism or constitutional review.<sup>37</sup> None of these measures, however,

<sup>33</sup> *Mencius* 6A15.

<sup>34</sup> In this regard, I fully agree with Justin Tiwald. See his 'A Right of Rebellion in the *Mengzi*?' *Dao* (2008), pp. 269–82.

<sup>35</sup> *Mencius* 5A5.

<sup>36</sup> Bai, 'Limited Democracy', p. 27.

<sup>37</sup> These Western liberal constitutional mechanisms can be properly 'Confucianized'. See, for instance, Tom Ginsburg, 'Confucian Constitutionalism? The Emergence of Constitutional Review in Korea and Taiwan', *Law & Social Inquiry*, 27 (2002), 763–99.

aims to make democracy ‘thin’; rather they aim to make democracy work without violating its ideal. Still, Confucian democrats should demand that democratically elected political leaders and public officials who are constrained by democratic constitutional rules and procedures be morally excellent and exemplary. But this demand would be effective only where the Confucian ‘habits of the heart’ are to be found among the citizens. Only such citizens can appreciate the value of Confucian morals and civilities; only such citizens can demand political leaders and public officials to be committed not only to democratic rules and procedures but *also* to civic excellence. Only at the citizens’ demand, would political leaders and public officials then aspire to possess *good character*.<sup>38</sup>

Confucian meritocratic democrats may wonder how Confucian public virtues can come about in the absence of moral leadership that would make the people *virtuous* in the first place. But a robustly democratic Confucian polity ‘leaves it primarily up to families, local governments, schools, religious and workplace associations, and a host of other voluntary groups’ to teach and transmit Confucian civic virtues from one generation to the next.<sup>39</sup> That is, in a Confucian democracy, civic virtue is inculcated spontaneously in the heart of every citizen through their participation in various social institutions in civil society rather than deliberately infused by elitist leaders by means of paternalistic moral education. Moreover, as James Fearon argues, in the democratic system, the ‘good character’ of a political leader consists of his or her inner disposition to align his or her objective as a political representative with that of the voter whose interest he or she is supposed to represent – or what can be called *democratic civic integrity*.<sup>40</sup> Thus understood, the kind of moral leadership that is required in a Confucian democracy is not so much a political leader’s capacity as a moral teacher but his or her civic commitment to the polity’s political institutions and public culture that undergird them.

It is often claimed that the civil examination system can help institutionalize Confucian moral meritocracy. However, apart from the fact that no classical Confucian advocated civil examination as the method for recruiting governmental officials,<sup>41</sup> many pre-modern Confucians (particularly neo-Confucians) historically regarded civil examination as the single greatest obstacle to their study (and repossession) of the Dao, and thus a source of self-alienation.<sup>42</sup> More importantly, there is no guarantee that legislators or public officials selected through the universal and competitive examination will actually prove

<sup>38</sup> Advocates of meritocratic elitism often claim that political meritocracy should be taken seriously as an alternative to representative democracy predicated on the principle of ‘One Person One Vote’. This claim is heavily problematic because representative democracy, mostly operating on the selection or trustee model of political representation, is a kind of political meritocracy. See Nannerl O. Keohane, *Thinking about Leadership* (Princeton, N.J.: Princeton University Press, 2010), chap. 5. I see no compelling reason why Confucian democracy should not be supported by a representative democratic system that I think best institutionalizes the accountability mechanisms.

<sup>39</sup> Here I am referring to Mary A. Glendon’s ‘Forgotten Questions’, in Mary A. Glendon and David Blankenhorn, eds, *Seedbeds of Virtue: Sources of Competence, Character, and Citizenship in American Society* (Lanham, Md.: Madison Books, 1995), pp. 1–16, at p. 2.

<sup>40</sup> See James D. Fearon, ‘Electoral Accountability and the Control of Politicians: Selecting Good Types versus Sanctioning Poor Performance’, in Adam Przeworski, Susan C. Stokes and Bernard Manin, eds, *Democracy, Accountability, and Representation* (Cambridge: Cambridge University Press, 1999), pp. 55–97, at p. 59.

<sup>41</sup> The preferred method was either invitation by the ruler or recommendation by Confucian masters.

<sup>42</sup> For instance, from the late sixteenth century to the end of the Chosŏn dynasty (which ruled from 1392 to 1910), many orthodox Cheng-Zhu neo-Confucians in Korea refused to take the civil examination



to be morally good, just as there is no assurance that any democratically elected politician will indeed commit to democratic principles, rules and procedures. Only a civil society operating on Confucian social mores and civilities can ensure a meritocratic Confucian democracy. Without the presence of a viable Confucian civil society both civil examination and democratic election are likely to create a new aristocratic class, as was the case with pre-modern Confucian China and Korea.<sup>43</sup>

DEMOCRACY AS COLLECTIVE SELF-DETERMINATION AND DEMOCRATIC CITIZENSHIP

Joseph Chan complains that recent literature on Confucian democracy often conflates the endorsement of democratic values with the endorsement of democratic institutions by ignoring that in the most proper sense democracy is ‘a mode of decision making about collectively binding rules and policies over which the people exercise control.’<sup>44</sup> After defining democracy in such institutional terms, Chan then draws attention to the distinction between the *constituents* of democracy and the *conditions* that make it work satisfactorily:

[H]owever important these conditions [such as a culture of tolerance, civility and civic duties, a vibrant civil society, a participatory culture, public reason and deliberation ... and so forth] are, they are merely conditions of a democracy, not its defining constituents. ... This point is important ... for, according to some interpretations, Confucianism does endorse consultation, tolerance, civility, or even a participatory community. But these interpretations, even if true, are still far from being able to show that Confucianism endorses democracy as a political system.<sup>45</sup>

Chan’s point is highly relevant to more community-oriented Confucian democrats, who present Confucian democracy as a kind of communitarian cultural-political vision and practice.<sup>46</sup> Indeed, preoccupied with the social and cultural conditions that make democracy work, Confucian communitarians do not pay due attention to the possibility that communities can still be vibrant under non-democratic political systems (for instance, under a benevolent monarchy). As political scientist Sheri Berman has shown in her article on the collapse of the Weimar Republic, rich social capital in civil society can easily be exploited by authoritarian forces unless democratic political institutions (particularly, a democratic party system) are firmly established.<sup>47</sup>

The problem is that in actual social and political reality it is difficult to see a vivid distinction between democracy as a particular institutional arrangement of power and democracy as a way of life. By definition, democracy is a regime in which people

(*F*note continued)

in order to preserve the purity of what they called the ‘study of Dao’ (*dao*xue). See Insoo Woo, *A Study on the Backwoods Literati Forces in Late Chosŏn Korea* (Seoul: Iljogak, 1999) (In Korean).

<sup>43</sup> See Benjamin A. Elman, *A Cultural History of Civil Examinations in Late Imperial China* (Berkeley: University of California Press, 2000), for China; and James B. Palais, ‘Confucianism and the Aristocratic/Bureaucratic Balance in Korea’, *Harvard Journal of Asiatic Studies*, 44 (1984), 427–68, for Korea.

<sup>44</sup> Chan, ‘Democracy and Meritocracy’, p. 181.

<sup>45</sup> Chan, ‘Democracy and Meritocracy’, p. 182.

<sup>46</sup> Hall and Ames, *The Democracy of the Dead*; Tan, *Confucian Democracy*; Russell A. Fox, ‘Confucianism and Communitarian Responses to Liberal Democracy’, *Review of Politics*, 59 (1997), 561–92.

<sup>47</sup> See Sheri Berman, ‘Civil Society and the Collapse of the Weimar Republic’, *World Politics*, 49 (1997), 401–29.

are at once the rulers and the ruled. In democracy, key political decisions with regard to who will be rulers (and the ruled) and under what terms they will be rulers (and the ruled) are decided by the people. In other words, what is central to democracy is the *collective self-determination* of the people and this is what constitutes democracy as a political rule.<sup>48</sup> And yet, collective self-determination is predicated on a characteristically democratic mode of living, on the life of active citizenship. Benjamin Barber thus says:

The most important fact about citizens is that they are defined by membership in a political community and enact their civic identities only to the extent that they interact with other citizens in a mutualistic and common manner. Political judgment is thus 'we-judgment' or public judgment or common-willing (in Rousseau's phrase, general willing). *I* cannot judge politically, only *we* can judge politically; in assuming the mantle of citizenship, the *I* becomes a *We*.<sup>49</sup>

Democratic institutions and procedures that Chan understands as the constituents of democracy are in fact the institutionalized expressions of the citizenry's collective self-determination and they are meaningful only if they are responsive and accountable to the collective will of the people.<sup>50</sup>

This clarification is of crucial significance in the context of East Asian politics. Admittedly, pre-democratic authoritarian regimes in South Korea and Taiwan were formally democratic governments founded on liberal democratic constitutions. But it is generally agreed that both South Korean and Taiwanese societies have been democratized only recently precisely because the 'democratic' institutions in the pre-democratic periods did not represent the people and were not accountable to the people's collective will. For the citizens of South Korea and Taiwan, therefore, democratization was the process of reclaiming their collective self-determination, their fundamental political freedom hijacked by a handful of political elites. For them, democratic consolidation means the institutionalization of the democratic political system that is genuinely committed to the enhancement of citizenship and individual citizen empowerment. Thus understood, seeing the components of democratic citizenship, such as civic virtue, participatory culture and strong civil society, merely as the conditions of democracy is problematic. Democratic citizenship is the core of democracy; not only does it make democracy work but, more fundamentally, it is what makes the arrangement of power democratic.

Apart from their conflation of feudal aristocracy with Confucian moral meritocracy, what is striking about recent Confucian meritocratic democrats, inasmuch as they claim themselves to be *democrats*,<sup>51</sup> is their lack of interest in democratic

<sup>48</sup> See Ian Shapiro, *Democratic Justice* (New Haven, Conn.: Yale University Press, 1999); Benjamin R. Barber, *Strong Democracy: Participatory Politics for a New Age*, 20th anniversary edn (Berkeley: University of California Press, 2003).

<sup>49</sup> Benjamin R. Barber, *The Conquest of Politics: Liberal Philosophy in Democratic Times* (Princeton, Conn.: Princeton University Press, 1988), pp. 200–1.

<sup>50</sup> By 'active citizenship' I do not mean an old-style republican citizenship that puts active political participation above everything else. Even Barber's 'active citizenship', which I endorse, is much more moderate than this and quite practicable in a modern pluralist society: 'Citizens are governors: self-governors, communal governors, masters of their own fates. They need not participate all of the time in all public affairs, but they should participate at least some of the time in at least some public affairs.' (Barber, *Strong Democracy*, pp. xxix.)

<sup>51</sup> Fred Dallmayr comments on Daniel Bell's book in this way: 'As indicated, the book's title is *Beyond Liberal Democracy*, but one frequently gets the impression that the move is not just beyond

citizenship.<sup>52</sup> According to them, democratic citizens are no more than consumers in the political marketplace. For instance, Bell says, ‘Elite politics does not rule out democratic participation by ordinary citizens, but democracy will take “minimal” forms, not much more demanding than visiting the voting booth every few years.’<sup>53</sup> For Bai, democracy is tantamount to ‘one person, one vote’ and this is what he means by a ‘full and equal participation’ of the common people on a local level.<sup>54</sup> In this minimal understanding of democracy, there is no way to form a ‘thick’ democratic citizenship, nor is it possible to empower citizens beyond the vote. Instead, meritocratic elitism promotes the opposite of citizen empowerment, namely docility, which is rationalized as a form of respect for the elite.

The reason that Confucian meritocratic democrats want democracy to be minimal is premised on the assumption that in a democracy ordinary citizens are largely absorbed in the pursuit of their own short-term self-interests. But then, as Barber argues:

[thin democracy] yields neither the pleasures of participation nor the fellowship of civic association, neither the autonomy and self-government of continuous political activity nor the enlarging mutuality of shared public goods – of mutual deliberation, decision, and work. Oblivious to that essential human interdependence that underlies all political life, thin democratic politics is at best a politics of static interest, never a politics of transformation; a politics of bargaining and exchange, never a politics of invention and creation; and a politics that conceives of women and men at their worst (in order to protect them from themselves), never at their potential best (to help them become better than they are).<sup>55</sup>

As we have seen, Confucian meritocratic democrats occasionally enlist the authority of classical Confucians such as Confucius and Mencius. But their view of ordinary human beings is more Legalistic (or Hobbesian) than Confucian: by finding ordinary people hopelessly fixed to their pre-formed preferences and interests and allowing them no moral power to transform themselves into public-spirited citizens, Confucian meritocratic democrats only seek how to govern them best. Therefore, *governability* is the only civic virtue acknowledged by Confucian meritocratic democrats, but it is dubious how qualitatively different it is from docility. What is fundamentally lacking in the proposal for meritocratic elitism is the typical Confucian moral optimism as illustrated in the following passage of the *Mengzi*.

(*F*note continued)

“liberal democracy” but beyond democracy *tout court*, leaving as a remnant only what Bell calls “minimal democracy”. (Dallmayr, ‘Exiting Liberal Democracy’, p. 526.)

<sup>52</sup> In his earlier work *East Meets West: Human Rights and Democracy in East Asia* (Princeton, N.J.: Princeton University Press, 2000), Bell supported an empowered civil society and the right to vote without fear of retaliation in Singapore (chap. 4). But in *Beyond Liberal Democracy*, whose subtitle runs ‘Political Thinking for an East Asian Context’, Bell makes a generalized claim that meritocratic elitism with thin/minimal democracy is suitable in East Asian Confucian societies.

<sup>53</sup> Bell, *Beyond Liberal Democracy*, p. 151. In making this argument, Bell offers a ‘Confucian’ justification of why active citizenship is unsuitable in East Asian societies: ‘In East Asian societies with a Confucian heritage, where the good of the family has been regarded as the key to the good life for more than two millennia, there republican tradition is so far removed from people’s self-understanding that it is a complete nonstarter. Most people have devoted their time and energy to family and other “local” obligations, with political decision making left to an educated, public-spirited elite.’ Though I agree that Confucian democratic does not necessarily have to be modelled after the republican active citizenship, I do not see any compelling reason why active citizenship must be precluded from the possible Confucian democratic modes of political engagement ‘at least some of the time in at least some public affairs’.

<sup>54</sup> Bai, ‘Limited Democracy’, p. 26.

<sup>55</sup> Barber, *Strong Democracy*, pp. 24–5.

Heaven has not sent down men whose endowment differs so greatly. The difference is due to what ensnares their hearts. Take ... barley for example. ... If there is any unevenness, it is because the soil varies in richness and there is no uniformity in the fall of rain and dew and the amount of human effort devoted to tending it. Now things of the same kind are all alike. Why should we have doubts when it comes to men? The sage and I are of the same kind.<sup>56</sup>

Again, it is not my intention to argue that Confucianism is inherently democratic or that it naturally supports democracy as a political rule. My point is to raise the question of why modern Confucian democrats cannot *re-appropriate* the Confucian moral optimism, where everyone can be morally transformed and is even capable of becoming a sage and lends support to the democratic self-transformability of the common people. If it is agreed that moral or ethico-religious self-transformation (i.e., to become a sage) is more daunting than democratic self-transformation (i.e., to become a citizen), why should 'Confucian democrats', who would embrace the classical Confucian optimism for human perfectibility, opt for a characteristically legalistic and only minimally democratic mode of governance?

Thus far, I have critiqued the recent proposal(s) for Confucian meritocratic democracy from both Confucian and democratic viewpoints. In the remainder of this article, I will attempt to reconstruct a Confucian democracy that is more faithful to Confucian moral optimism, more consistent with the Confucian ideal of virtue politics and fully democratic.

#### CONSTRUCTING A CONFUCIAN DEMOCRATIC CIVIL SOCIETY

In conceiving of a Confucian civil society, there can be two different approaches – a cultural/evaluative approach and an ethico-political/normative approach. The former, often employed by historians and social scientists, understands Confucianism as a cultural system still alive in East Asian societies and investigates the way it actually plays out in the modern social and political context. In this view, the driving force of 'Confucian civil society' as a cultural practice is the self-consciousness of the key political agents in it – as the moral elite or the political vanguard of the society. According to Thomas Metzger, this elite-centred Confucian civil society has a long history, which may be traced back to late imperial China.

During the imperial period, therefore, the dominant moral rhetoric was not that of ordinary people seeking freedom by calling for limits on the power of the centralized state but that of moral virtuosi, super-citizens claiming to embody the conscience of society, looking down equally on the degeneration of state institutions and the private pursuit of economic profits, and continuing to search for some way to restore the ancient saintly *Gemeinschaft*. In other words, the utopian, top-down view of progress as based on the moral dynamism of super-citizens able to influence a corrigible state was never replaced by an un-utopian, bottom-up view of progress as based on the efforts of ordinary free citizens fallibly pursuing their economic interests and organized in a practical way to monitor an incorrigible state. When Chinese intellectuals from the late nineteenth century on started to embrace the idea of 'democracy' and, later, that of 'civil society,' this utopian, top-down approach remained integral to their thought.<sup>57</sup>

<sup>56</sup> *Mencius* 6A7. Also see *Mencius* 3A1.

<sup>57</sup> Thomas A. Metzger, 'The Western Concept of Civil Society in the Context of Chinese History', in Sudipta Kaviraj and Sunil Khilnani, eds, *Civil Society: History and Possibilities* (Cambridge: Cambridge University Press, 2001), pp. 204–31, at p. 224.

If Confucianism supports meritocracy, I believe it is this kind of moral-political leadership voluntarily assumed by moral virtuosi or super-citizens in the civil society, especially at the moment of an ethico-cultural and political crisis. Meritocracy in this sense has nothing to do with *political rule* by the socio-political elite for the common people. The ‘merit’ at issue here is not something that can be tested in an examination. It is the moral virtue (*de*) that one has cultivated in himself or herself by repossessing the Dao, the profound source of the moral (even spiritual) meaning of his/her life, his/her connection with society and his/her role in it. Therefore, this non-political, essentially moral, meritocracy is more properly called an ‘aristocracy of the Dao’.

However, there are two problems with Confucian civil society understood in this way. First, the ‘super-citizenship’ implied in the moral aristocracy of the Dao, though not aiming to institutionalize moral meritocracy in the form of political elitism, is un-democratic in the sense that the assumed moral hierarchy between super-citizens and citizens, or the top-down social perspective affiliated with the moral elitism of the super-citizens, impedes the democratic ideal of citizenship, the ideal of collective self-determination.

On a second and related point, Confucian civil society predicated on super-citizenship is short of producing democratic civility or civic virtue. The civic virtues that super-citizens exercise in the civil society are not so much those that they have cultivated in the capacity of (democratic) citizen but rather those which *extended* from moral virtues they possess as morally cultivated persons, especially (though not always) in moments of cultural and political crises. In other words, in an aristocracy of the Dao civic virtue has no independent moral ground, nor do citizenship and civil society. Here civic virtue is required only on special occasions and civil society, when created, is an ephemeral phenomenon, not a sustainable socio-political institution.

These two problems associated with the cultural/evaluative understanding of Confucian civil society should impel Confucian democrats to reconstruct a version of Confucian civil society that is institutionally formidable and also enhances democracy. What is central to our task in this normative reconstruction of Confucian civil society is to transform an aristocracy of the Dao into an aristocracy of all, namely, into democratic citizenship. The question is how to make a democratic civil society serve the moral and material welfare of the people, which is the goal of traditional Confucian virtue politics.

### *Enhancing the Moral Welfare of the Citizens*

As we have seen, the supreme goal of Confucian virtue politics lies in making the people morally good. However, under the monarchical system it was the king’s (ideally the sage-king’s) Heaven-given mission to lead the people to goodness. Hence, it was imperative for the king himself to be morally good in the first place. A political ruler as well as a moral teacher, the Confucian king, therefore, was called the ‘teacher-king’ (*jun shi*).<sup>58</sup>

In modern Confucian East Asian societies where the traditional Confucian monarchical system is completely obsolete, the ideal of the teacher-king, associated with what Julia Ching calls the ‘Sage-King Paradigm’, is no longer feasible.<sup>59</sup> Confucian meritocratic democrats still want the state (or those who compose it) to claim the role of the moral teacher attached originally to kingship (and later to the scholar-officials after the rise of

<sup>58</sup> See *Mencius* 3A4.

<sup>59</sup> Julia Ching, *Mysticism and Kingship in China: The Heart of Chinese Wisdom* (Cambridge: Cambridge University Press, 1997).

Cheng-Zhu Neo-Confucianism), but this is neither morally desirable nor politically efficacious in East Asia's increasingly pluralist societies.

Rather, in the modern context of pluralism and multiculturalism, the moral well-being of the people can be better achieved in various types of self-governing moral communities – enhancing them whether they are neighborhoods, villages, private, civic or religious organizations, or extended families. By belonging to and actively participating in these communities, not only can individuals overcome public ills commonly associated with atomistic individualism, but they can also realize their moral ideals and cultivate moral goods that they cherish in association with others.

What makes this pluralist civil society consisting of many self-governing moral communities a 'Confucian' civil society, however, is not a monolithic conception of the common good that may be authoritatively given by some elites.<sup>60</sup> Instead, it is through the uniquely Confucian conception and practice of public civility, which the members of civil society have in common, that a pluralistic civil society becomes a Confucian civil society. Put differently, in Confucian democracy Confucian civility can play a critical *constitutional* role.

At the heart of Confucian public civility, which interlocks Confucian civil pluralism and Confucian constitutional democracy, are Confucian rituals (*li*). I fully agree with Robert Neville, when he says:

[W]hat is a Confucian ritual except a complicated social dance form in which all can participate (democracy) and yet can play roles that recognize their vast differences from one another (pluralism)? ... The key is rituals that require affirming ritual participation without necessarily agreeing to affirm the character and values of those importantly different from oneself.<sup>61</sup>

In the same spirit, I submit that in pluralist East Asia, the *li* can help moral communities upholding different moral ideals recognize others as equal members of the common public world and maintain the bond of trust necessary to sustain a discussion about issues that they face together. That is, the *li* may not (and *should not*) transform the modern pluralist civil society into a community of commonality, as Confucian communitarians wish,<sup>62</sup> but can nevertheless offer a constitutional forum for democratic deliberation and contestation that aims to achieve the commonality of the public world. Let me elaborate on this.

In the Confucian tradition, *li*, which refers generally to norms and standards of proper behaviour in social, ethical and religious contexts, is understood as an externalization of *ren* (commonly translated as benevolence), the Confucian moral virtue par excellence.<sup>63</sup> Most famously, in *Analects* 12:1, Confucius says that (only) by returning to the observance of the *li* (*fuli*) and thereby overcoming the self (*keji*) can one become morally good (*ren*). Here both *li* and *ren* are presented as moral virtues in the universalist sense, concerned with a person's moral goodness *qua* human being, and Confucius called a

<sup>60</sup> It is not surprising that Bell supports both Confucian communitarianism and meritocratic elitism. I suspect that in Bell's ideal regime, what constitutes the common good is unilaterally determined by elite leaders.

<sup>61</sup> Robert C. Neville, *Boston Confucianism: Portable Tradition in the Later-Modern World* (Albany: State University of New York Press, 2000), p. 80.

<sup>62</sup> Sor-hoon Tan, 'From Cannibalism to Empowerment: An *Analects*-Inspired Attempt to Balance Community and Liberty', *Philosophy East and West*, 54 (2004), 52–70, p. 58.

<sup>63</sup> Tu Wei-ming, *Humanity and Self-Cultivation* (Berkeley, Calif.: Asian Humanities Press, 1979), pp. 8–10.



morally elevated person who has successfully undergone this process a 'junzi'. What is important here is that by defining the *junzi* primarily as a moral person in the universalist sense and simultaneously presenting him as the model citizen, Confucius was never troubled by the possible incongruence between a moral man and a responsible citizen.<sup>64</sup> Most tellingly, when asked why he was not employed in governing, Confucius replied by referring to the *Book of Documents (Shujing)*, that '[i]t is all in filial conduct (*xiao*)! Just being filial to your parents and befriending your brothers is carrying out the work of government.'<sup>65</sup>

In the Confucian universalist ethics that fuses politics/civics and ethics/morals and defies the stark distinction between private and public, the independent moral importance of public virtue, a capacity to sustain the political institutions, was never consciously acknowledged. Rather, such a capacity was thought to be a natural extension from one's personal morality, namely one's relationship with the Dao. Thus, Mencius was able to confirm this happy continuum between morals and civics when he said, 'All under heaven (*tianxia*) has its basis in the state, the state in the family, and the family in one's own self.'<sup>66</sup>

Interpreted most generously, Confucian meritocratic democrats seem to aspire to reproduce this happy congruence between personal morality and public civility in East Asian societies. However, this is an unrealizable and politically undesirable aspiration in the modern social context of ethical/value pluralism. To be sure, as Confucian meritocratic democrats rightly claim, East Asian societies remain Confucian and thus it is both culturally and politically futile to attempt to transplant a Western-style liberal democracy to them. However, it is certainly wrong to understand (or present) East Asian societies as *the* Confucian society in a culturally monolithic and ethically monistic sense.

What renders East Asian societies that are internally diverse *Confucian* is the distinctively Confucian character of their public culture – that is, while subscribing to different moral, philosophical and religious doctrines, citizens in East Asia still largely share a Confucian public culture predicated on the social semiotics of Confucian rituals. In other words, they might be a Christian/Muslim/Buddhist as a private individual but they are, often unconsciously, Confucian (broadly understood) as a public citizen.<sup>67</sup> More specifically, in East Asian societies, core Confucian values such as filiality (*xiaoti*), trustworthiness (*xin*), social harmony (*he*), respect for the elderly (*jinglao*) and respectful deference (*cirang*) are widely cherished as public virtues independent of an individual citizen's self-chosen religious/cultural value system, and it is through the continued practice of the *li* that these public virtues are socially available in those increasingly pluralist societies.

Thus understood, in modern pluralist society, Confucian rituals should no longer be a *bonding* social capital that consolidates monocultural cohesion and ethical homogeneity, but a *bridging* social capital that helps to bond individual citizens horizontally, thereby

<sup>64</sup> In no place in the *Analects* does Confucius define the *junzi* purely in civic terms. Instead, Confucius always presents the *junzi* as a moral person primarily (almost solely) concerned with his moral self-cultivation (see *Analects* 12:4; 14:24; 15:18; 15:21; 15:32; 16:10). In other words, for Confucius, civics had no moral value independent of morals. On Confucius's (and the Confucian) idea of moral self-cultivation, see Philip J. Ivanhoe, *Confucian Moral Self Cultivation* (Indianapolis, Ind.: Hackett, 2000).

<sup>65</sup> *Analects* 2:21.

<sup>66</sup> *Mencius* 4A5 (slightly modified).

<sup>67</sup> This distinction is certainly true for South Koreans. See C. Fred Alford, *Think No Evil: Korean Values in the Age of Globalization* (Ithaca, N.Y.: Cornell University Press, 1999) and Chong-Min Park and Doh Chull Shin, 'Do Asian Values Deter Popular Support for Democracy in South Korea?' *Asian Survey*, 46 (2006), 341–61.

bringing them to one common public world where they encounter one another as free and equal citizens.<sup>68</sup> As Sor-hoon Tan rightly notes, the essence of this civically reconstructed Confucian ritual consists in the quality of communication.<sup>69</sup>

The communication thus enabled, however, is not so much an intra-cultural communication whose ultimate goal is to 'overcome' differences but a democratic deliberation across differences. In this regard, my proposed Confucian democratic deliberation is differentiated from Tan's communicative model of Confucian ritualism, but it is also distinguished from liberal democratic deliberation. First, while Tan's communicative Confucian *li*-based democracy attempts to make *li* itself the mode of communication and thus dismisses the importance of verbal communication, especially in the form of a conversation, my proposed Confucian democratic deliberation is conducted in an active verbal dialogue between free and equal citizens. The significance of Confucian rituals in my model lies not so much in replacing words, which I find completely unrealistic, but in ritual's remarkable ability to bring diverse individuals to the common public forum by first making them exercise self-restraint (*keji*). Restrained by the *li* and reminded of the Confucian public purposes that they broadly share, citizens are then capable of what Gutmann and Thomson call 'mutual reciprocity', the capacity to seek fair terms of co-operation for its own sake.<sup>70</sup> Both the advocates of meritocratic elitism and strong Confucian communitarians (like Tan), despite their significant differences, prefer an aesthetic harmonization of differences, but my model aims at the political consensus between different groups and individuals and embraces a democratic contestation in civil society.

Secondly, there is a crucial difference between my proposed Confucian democratic deliberation and liberal democratic deliberation. Many liberal deliberative democrats find John Rawls's suggestion that deliberative procedures need only accommodate the fact of 'reasonable pluralism' troubling.<sup>71</sup> Jack Knight and James Johnson explicate the nature of this challenge as follows: '[Rawls's claim] prejudices in an unjustifiable way the question of which sorts of argument or value are legitimately admissible to the process of political deliberation and debate.'<sup>72</sup> Likewise Gerald Gauss argues, 'Because notions of political reasonableness will be affected by our epistemic, religious, and other commitments, there is little prospect of a consensus emerging on what is politically reasonable in a society that disagrees on what is religiously, morally and epistemologically reasonable.'<sup>73</sup> Precisely because it is not a *liberal* political practice, Confucian democratic deliberation, while embracing ethical/value pluralism, does not have to be burdened with this philosophical conundrum regarding what makes pluralism reasonable. In my model, pluralism is reasonable to the extent that it is respectful of (but not necessarily blindly deferential to) Confucian public purposes and if it is moderated by public reason nested in the moral sentiment of *ren*.

<sup>68</sup> For an illuminating discussion of the difference between bonding social capital and bridging social capital, see Robert D. Putnam, *Bowling Alone: The Collapse and Revival of American Community* (New York: Touchstone, 2000), pp. 18–24.

<sup>69</sup> Tan, 'From Cannibalism to Empowerment', p. 58.

<sup>70</sup> Amy Gutmann and Dennis F. Thompson, *Democracy and Disagreement* (Cambridge, Mass.: Belknap Press, 1996).

<sup>71</sup> John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993).

<sup>72</sup> Jack Knight and James Johnson, 'What Sort of Equality Does Deliberative Democracy Require?' in James Bohman and William Rehg, eds, *Deliberative Democracy* (Cambridge, Mass.: MIT Press, 1999), pp. 279–320, p. 285.

<sup>73</sup> Gerald F. Gauss, 'Reason, Justification, and Consensus', in Bohman and Rehg, eds, *Deliberative Democracy*, pp. 205–42, at p. 222.

My model might not be able to uphold ethical/value pluralism as extensively as some liberals wish, but, again, it should not matter because my Confucian deliberative model is not a liberal democratic political practice, nor does it intend to be anti-liberal. Neither the maximal promotion of ethical/value pluralism nor finding a philosophical justification for reasonableness is my concern here. My concern is rather with a *more* earnest attention to the moral well-being of the citizens in a Confucian society who belong to different moral, religious or cultural communities, and with how to accommodate human plurality *as much as possible* in the given Confucian societal context. Meritocratic elitism is far from meeting the differentiated moral needs of modern East Asians. In fact, its monistic vision of Confucian society is likely to oppress pluralism.

### *Enhancing the Material Welfare of the Citizens*

Historically, no Confucian believed that ordinary citizens' moral well-being could be attained without first resolving the question of their material well-being.<sup>74</sup> Therefore, it is understandable that proponents of Confucian meritocratic democracy, such as Bell, claim that the most important 'right' acknowledged in the Confucian ethical tradition is the 'right to be fed'.<sup>75</sup> Bell, in particular, calls a modern Confucianism that obliges the state to provide for the material well-being of the people, 'left Confucianism'.<sup>76</sup> What is unclear to me is why Bell believes that left Confucianism is more suitable in the meritocratic setting. Could it not be equally (or even more) practicable in the democratic welfare state? In fact, noting that the Confucian state's (or a benevolent, father-like, Confucian ruler's) main obligation is to help the worst-off,<sup>77</sup> Bell agrees that 'Confucius (if he were around today) may well have endorsed something like Rawls's difference principle'.<sup>78</sup> Bell, however, understands the Confucian obligation to help the worst-off as a matter of the state's (or the ruler's) paternalistic beneficence, but not as a matter of justice. *Contra* what a 'left' ideology normally signifies, Bell's left Confucianism turns out to be quite conservative, as it is mainly concerned with economic development and socio-political stability, rather than with distributive justice and democratic contestation.<sup>79</sup>

Certainly, Confucius as a champion of sage-kingship and moral aristocracy did not support democratic contestation, nor did he advance his own political theory of justice.

<sup>74</sup> *Mencius* 1A7.

<sup>75</sup> Bell, *Beyond Liberal Democracy*, pp. 44–7.

<sup>76</sup> Daniel A. Bell, *China's New Confucianism: Politics and Everyday Life in a Changing Society* (Princeton, N.J.: Princeton University Press, 2008), p. xv.

<sup>77</sup> Most famously, Mencius says, 'Old men without wives (*guan*), old women without husbands (*gua*), old people without children (*du*), young children without fathers (*gu*) – these four types of people are the most destitute and have no one to turn to for help. Whenever King Wen put benevolent measures into effect, he always gave them first consideration' (*Mencius* 1B5). Also see *Xunzi* 11:12.

<sup>78</sup> Daniel A. Bell, 'Confucian Constraints on Property Rights', in Hahm Chaibong and Daniel A. Bell, eds, *Confucianism for the Modern World* (Cambridge: Cambridge University Press, 2003), pp. 218–35, at p. 223.

<sup>79</sup> Bell, *Beyond Liberal Democracy*, pp. 55–62. Michael Walzer criticizes Bell's left Confucianism precisely because it fails to be a left doctrine. See Michael Walzer's response to Bell's 'Reconciling Socialism and Confucianism? Reviving Tradition in China', *Dissent* (Winter 2010), 100–1. It might be unfair to say that Bell is not concerned with distributive justice at all because, in 'Confucian Constraints on Property Rights', he does find some meaningful resonance between Confucian ethics and Rawls's difference principle. Even here, however, Bell's concern is predominantly with how to justify individual family ownership (as opposed to individual private property ownership), but not so much with distributive justice as such.

Nevertheless, he did believe that for a government to be benevolent, it must be committed to distributive justice.

I have heard that the ruler of a state or the head of a household does not worry that his people are poor, but that wealth is inequitably distributed; does not worry that his people are too few in number, but that they are disharmonious.<sup>80</sup>

If the essence of Confucian benevolent government lies not so much in the people's mere material subsistence but in the just or equitable distribution of material goods, it is clear that modern Confucian democrats (particularly left Confucians) must devote themselves to achieving socio-economic justice in the rapidly industrializing East Asian countries. In my view, it is more reasonable for the Confucian democrats to support a welfare state that is democratically controlled.

By democratic control, however, I do not merely mean electoral control or representative democracy. True democratic control of the government can be achieved only if the voices of the victims of socio-economic injustice are heard in the government.<sup>81</sup> Although not a democrat himself, Mencius insisted that justice (especially, distributive justice) shall be attained only if the victims' perspectives (if not voices) are taken seriously by the government:

Now when food meant for human beings is so plentiful as to be thrown to dogs and pigs, you fail to realize that it is time for garnering, and when men drop dead from starvation by the wayside, you fail to realize that it is time for distribution. When people die, you simply say, 'It is none of my doing. It is the fault of the harvest.' In what way is that different from killing a man by running him through, while saying all the time, 'It is none of my doing. It is the fault of the weapon.' Stop putting the blame on the harvest and the people of the whole Empire will come to you.<sup>82</sup>

In this passage, Mencius makes a provocative claim, turning our conventional understanding of meritocracy upside down. His pre-eminent concern is not with who should rule. Of greater importance is *to what extent* the government (or the ruler) should be responsible for the people's misfortune. Mencius's point is that if people are destitute, the responsibility to provide for them falls on the public authority and the responsibility is almost limitless, irrespective of what the proximate cause of the problem is. Thus understood, the true Confucian meaning of meritocracy is the ruler's (or the government's) *expanded responsibility* for the basic needs of the people, not an epistocracy of the elite.<sup>83</sup>

Mencius, however, goes even further than most contemporary welfare democrats. His most provocative argument is that the ruler's responsibility ends only when he or his government is capable of supplying 'sufficient' food (and other material goods) to the people, not merely goods that barely meet their basic needs.

To punish them after they have fallen foul of the law is to set a trap for the people. How can a benevolent man in authority allow himself to set a trap for the people? Hence when

<sup>80</sup> *Analects* 16:1. It is beyond the scope of this article to investigate the Confucian conception of social justice thoroughly. For an interesting work on this issue, see Erin M. Cline, 'Two Senses of Justice: Confucianism, Rawls, and Comparative Political Philosophy', *Dao* 6 (2007), 361–81.

<sup>81</sup> In making this claim, I am indebted to two works: Judith N. Shklar, *The Faces of Injustice* (New Haven, Conn.: Yale University Press, 1990); and Iris M. Young, *Inclusion and Democracy* (Oxford: Oxford University Press, 2000).

<sup>82</sup> *Mencius* 1A3.

<sup>83</sup> For a more detailed discussion of Mencius's thought on political responsibility, see Sungmoon Kim, 'The Secret of Confucian *Wuwei* Statecraft: Mencius's Political Theory of Responsibility', *Asian Philosophy* 20 (2010), 27–42.

determining what means of support the people should have, a clear-sighted ruler ensures that these are sufficient (*zu*), on the one hand, for the care of parents, and, on the other, for the support of wife and children, so that the people always have sufficient food in good years and escape starvation in bad; only then does he drive them towards goodness; in this way the people find it easy to follow him.<sup>84</sup>

Drawing on this passage, particularly, I suspect, on the Chinese word *zu*, which translates into English as ‘sufficient’, Joseph Chan calls the Confucian principle of economic justice the ‘principle of sufficiency’. I do not think that this interpretation is completely baseless, as merit and contribution as criteria for economic distribution are there in Mencius’s and especially Xunzi’s texts. But I cannot help thinking that the emphasis is misplaced when Chan likens the Confucian principle of sufficiency to the doctrine of sufficiency as understood by contemporary ethicists such as Harry Frankfurt and Roger Crisp.<sup>85</sup> In my view, Chan largely bypasses Mencius’s core argument, when he says, ‘[O]nce past the level of material sufficiency, Mencius and Xunzi do not object to economic inequalities that arise from personal factors such as merit and contribution, which are largely based on the possession of abilities (moral character and intelligence).’<sup>86</sup>

Certainly, as Chan rightly claims, Mencius never objected to the accumulation of money (and other material goods) on the basis of one’s desert, be it natural talent or effort, nor did he support equality of outcome as contemporary egalitarians define it. That being said, acknowledging the general importance of desert is one thing and upholding the doctrine of sufficiency is another. Central to sufficientarianism is the claim that ‘[a] concern for economic equality, construed as desirable in itself, tends to divert a person’s attention away from endeavoring to discover – within his experience of himself and of his life – what he himself really cares about and what will actually satisfy him.’<sup>87</sup> As Frankfurt stresses, from the sufficientarian standpoint, what is problematic with egalitarianism is self-alienation, the fact that as the criterion of equality is defined by an external entity (mostly the government), an *individual person* cannot define what is materially sufficient for him or her according to his or her own value, life plan, religious faith or taste.

Nowhere in Mencius’s (and Xunzi’s) text is this typical liberal emphasis on individual self-identity and its facilitating (sufficient) economic condition emphasized (or even mentioned). As we have seen in the passage above, Mencius’s core argument is simply that there should be ‘sufficient’ (*zu*) material provisions for each family. Moreover, it seems quite arbitrary to claim that Confucianism upholds the doctrine of sufficiency because Mencius happened to employ the Chinese word ‘*zu*’ in his criticism of the then ruler’s inhumane government without much articulation of his idea of economic justice.

My point is that there seems to be no strong reason to draw sufficientarian implications from the Confucian principle of sufficiency, to argue that Confucianism has no problem with the economic inequalities that may ensue after a certain threshold has been met,

<sup>84</sup> Mencius 1A7.

<sup>85</sup> Joseph Chan, ‘Is There a Confucian Perspective on Social Justice?’ in Takashi Shogimen and Cary J. Nederman, eds, *Western Political Thought in Dialogue with Asia* (Lanham, Md.: Lexington Books, 2008), pp. 261–77, at p. 276 and n. 23. For Frankfurt’s and Crisp’s defence of the doctrine of sufficiency, see Harry Frankfurt, ‘Equality as a Moral Ideal’, *Ethics*, 99 (1987), 21–43; and Roger Crisp, ‘Equality, Priority, and Compassion’, *Ethics*, 113 (2003), 745–63.

<sup>86</sup> Chan, ‘Is There a Confucian Perspective on Social Justice?’ p. 275.

<sup>87</sup> Frankfurt, ‘Equality as a Moral Ideal’, p. 23.

so long as they are due to personal deserts. As Paula Casal rightly notes, ‘what makes a view sufficientarian is not simply the great importance it attaches to eliminating deprivation but the lack of importance it attaches to certain additional distributive requirement.’<sup>88</sup> Highly compatible with Rawls’s difference principle, the Confucian principle of sufficiency seems to be far more egalitarian than Chan understands it to be.<sup>89</sup>

Not surprisingly, few Confucian meritocratic democrats seem to struggle with *how* to help poor citizens have sufficient material goods to live a decent social, economic and moral life; nor do they seem to be interested in following up Mencius’s suggestion – expand governmental responsibility (to the extent that it does not seriously compromise individual responsibility). Most importantly, proponents of Confucian meritocracy have rarely shown genuine interest in the victims of socio-economic injustice, let alone enabling them to contest government policies.

Democratic civil society provides a public arena where socio-economic victims can co-ordinate their claims, making them heard by public officials and political leaders, and insisting on the heavy moral and political responsibility of the government for socio-economic injustice. There are many indications that representative democracy, which according to Bernard Manin is closer to electoral aristocracy than to real democracy,<sup>90</sup> has truly failed to represent the interests of socio-economic victims. So it would be utterly unrealistic to believe that unelected political elites will heed or represent the interests of the victims of injustice. After all, proponents of meritocratic elitism prefer elitism to democracy precisely because common people (including socio-economic victims) are preoccupied with their narrow self-interests. However, they never attempt to distinguish the socio-economic underdogs’ legitimate demand for justice from their narrow self-interests. Nor do they acknowledge that a legitimate demand for justice requires democratic contestation in the public space of civil society. Even though Confucianism is often believed to prefer a harmonious, non-disputative way of conflict resolution,<sup>91</sup> modern Confucian democrats cannot afford to dismiss democratic contestation when it comes to serving the differentiated welfare of the people, especially of socio-economic victims.

#### CONCLUDING REMARKS

In increasingly multi-culturalized and industrialized East Asia, civil society is not merely an institutional accessory to the democratic system, nor is it a social condition that makes democracy work *better*. Rather, it is an essential component of democracy because it provides a public space (not just a public sphere in the abstraction) in which (1) private individuals transform themselves into public citizens, (2) citizens belonging to different moral communities interact civically to resolve problems that face them together, and (3) citizens who have suffered injustice can co-ordinate their claims and make them heard by the government. Moreover, civil society is an indispensable element of Confucian democracy because it is where Confucian virtue politics and the Confucian ideal of benevolent government can be creatively re-appropriated. In this article, I call a

<sup>88</sup> Paula Casal, ‘Why Sufficiency Is Not Enough’, *Ethics*, 117 (2007), 296–326.

<sup>89</sup> See fn. 77.

<sup>90</sup> Bernard Manin, *The Principles of Representative Government* (Cambridge: Cambridge University Press, 1997).

<sup>91</sup> Albert H. Y. Chen, ‘Mediation, Litigation, and Justice: Confucian Reflections in a Modern Liberal Society’, in Hahm and Bell, eds, *Confucianism for the Modern World*, pp. 257–87.



democratic civil society that operates on Confucian *li*-mediated civility and serves the differentiated moral and material well-being of the citizens, 'Confucian civil society'.

Recent proposals for Confucian meritocratic elitism fail to meet Confucian democracy's democratic aspiration of the aristocracy of everyone and Confucian commitment to the moral and material well-being of the people. By focusing on the governability of the people and thus paying no attention to the transformability of the people, Confucian meritocratic democrats simply downplay the ethical and political power of democratic civil society in the Confucian context. They overlook the fact that without the presence of a strong Confucian civil society, a decent Confucian democratic governance can hardly be attained.