

Political Liberalism, Confucianism, and the Future of Democracy in East Asia

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POLITICAL LIBERALISM, CONFUCIANISM, AND THE FUTURE OF DEMOCRACY IN EAST ASIA

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POLITICAL LIBERALISM, CONFUCIANISM, AND THE FUTURE OF DEMOCRACY IN EAST ASIA

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The debate between political liberalism and liberal perfectionism has taken center stage in contemporary literature on liberal political theory. According to political liberalism, the most sensible thing to do for political philosophy is to apply “the principle of toleration” to itself in order to arrive at a public conception of justice that is independent of controversial moral, philosophical, and religious doctrines. According to liberal perfectionism, basic liberal ideals and principles are compatible with the view that the state should direct citizens to live good or meaningful lives, and discourage them from pursuing bad or worthless ones. Both political liberalism and liberal perfectionism have developed substantial arguments to support their positions, and the debate between them has helped to shape the intellectual landscape of contemporary political philosophy.

At the periphery of the mainstream liberal discourse, there has been growing interest in establishing and maintaining at least some liberal and democratic ideals and institutions in the burgeoning and increasingly pluralistic region of East Asia. One of the recent developments has led to sophisticated attempts to bring out the political side of Confucianism, the dominant source of cultural influence in the region. As some Confucian scholars have pointed out, East Asian societies, like their Western counterparts, are under the influence of reasonable pluralism, which diversifies and even divides the population in a region that used to be highly homogeneous. Thus, a plausible political theory and a timely model of democracy for East Asia must reflect this crucial

change.

This dissertation aims to contribute to both the internal debate in liberalism and the application of political liberalism to the process of democratization in East Asia. In my view, political liberalism offers the most promising vision for liberal democracy, and it can be defended against three perfectionist objections. First, the objection that the political conception of justice cannot be separated from morality in the comprehensive sense will be defused by introducing what I call the public conception of morality. Second, the objection that political liberalism's asymmetric treatment of the right and the good is problematic will be addressed by defending the distinction between foundational and justificatory disagreements. Third, the objection that Rawls' inclusion of epistemic elements in the concept of reasonableness necessarily makes political liberalism perfectionist and weakens the political liberal account of respect for persons will be defeated by revising the understanding of epistemic reasonableness.

Beyond Rawls' original intention to limit the scope of political liberalism to only existing and well-ordered liberal democracies, political liberalism has the potential to inspire and contribute to democratic establishment and improvement in East Asia. Specifically, I will first demonstrate that both comprehensive and moderate approaches to political Confucianism suffer from practical and theoretical difficulties. Then, with the support of political liberalism, I will propose a model of democracy that has a multivariate structure for citizens to come to terms with democracy in their own ways, a neutral state to ensure the establishment and stability of democracy, and an active public role for Confucianism to prevent it from being confined to the private sphere. This model represents a more promising future for democracy in East Asia.

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Introduction

Background and Objective

After the debate between liberalism and communitarianism in the 1980s and 1990s, liberalism's family quarrel takes center stage in recent literature on political theory. Representing two historically significant traditions, political liberalism and liberal perfectionism have become the most antagonistic pair in the liberal family.¹ On the one hand, political liberalism refuses to ground liberalism on any particular conception of the good because people are deeply divided over ideals of human flourishing. On the other hand, liberal perfectionism regards liberalism and particular views of human flourishing as compatible. Both camps are inspired by concrete historical experiences and represent enduring intellectual traditions. Political liberalism, particularly the branch advocated by John Rawls, rests on Rawls' observation of "reasonable pluralism," which is inspired by the evolution of the social and historical conditions of modern democratic regimes that have their origins in "the Wars of Religion following the Reformation and the subsequent development of the principle of toleration, and in the growth of constitutional government and of large industrial market economies."² So the most sensible thing to do for political philosophy is to apply "the principle of toleration" to itself in order to arrive at a public conception of justice that is independent of controversial philosophical and religious doctrines.³ Liberal perfectionism is supported by the history of Western political thought from Plato and Aristotle to T. H. Green and Joseph Raz, where perfectionism seems to be the standard view of

¹ For an anthology of works from both camps, see *Perfectionism and Neutrality: Essays in Liberal Theory*, eds. Steven Wall and George Klosko (New York: Rowman & Littlefield Publishers, Inc., 2003).

² John Rawls, "The Idea of an Overlapping Consensus," *Collected Papers*, ed. Samuel Freeman (Cambridge: Harvard University Press, 1999), 424.

³ John Rawls, "Justice as Fairness: Political not Metaphysical," *Philosophy and Public Affairs* 14, No. 3 (Summer, 1985): 231.

the state.⁴ A state that promotes worthwhile conceptions of the good are considered by many to be more desirable than one that fails to do so.⁵ Liberal perfectionism thus maintains the compatibility between basic liberal ideals and principles, and the view that the state should direct citizens to live good or meaningful lives, and discourage them from pursuing bad or worthless ones. Both political liberalism and liberal perfectionism have developed substantial arguments to support their positions, and the debate between them has helped to shape the intellectual landscape of contemporary political philosophy.

At the periphery of the mainstream liberal discourse, there has been growing interest in establishing and maintaining at least some liberal and democratic ideals and institutions in the burgeoning and diversifying region of East Asia. One of the recent developments has to do with the increasingly sophisticated attempts to bring out the political side of Confucianism, which has been the dominant source of cultural influence in the region.⁶ Such a development is motivated by the hope that political Confucianism can shine some light over democratic establishment and improvement for countries under the influence of the Confucian tradition. The overwhelming majority of contemporary Confucian political theorists, even those that bear the liberal label, hold the belief that viable theories of politics and democracy are necessarily perfectionist in nature, because the Confucian tradition is based on a comprehensive view of the good life. This tendency is unfortunate because it rests on an outdated view that Confucianism still functions in the same way culturally, socially, and politically as it used to. As some Confucian scholars have already pointed out, East Asian societies, like their Western counterparts, are under the influence

⁴ Joseph Chan, "Legitimacy, Unanimity, and Perfectionism," *Philosophy and Public Affairs* 29, No.1 (Winter, 2000): 5.

⁵ Ibid.: 6.

⁶ For a comprehensive introduction to Confucianism and its influence in East Asia, see Xinzhong Yao, *An Introduction to Confucianism* (Cambridge: Cambridge University Press, 2000).

of reasonable pluralism, which diversifies or even divides the population in a region that used to be highly homogeneous. Thus, a plausible political theory and a timely model of democracy for East Asia must reflect this crucial change.

This dissertation aims to contribute to both the internal debate in liberalism and the application of political liberalism to the process of democratization in East Asia. In my view, political liberalism still offers the most promising vision for liberal democracy, and it can be defended against three perfectionist objections. First, the objection that the political conception of justice cannot be separated from morality in the comprehensive sense will be defused by introducing what I call the public conception of morality. Second, the objection that political liberalism's asymmetric treatment of the right and the good is problematic will be addressed by defending the distinction between foundational and justificatory disagreements. Third, the objection that Rawls' inclusion of epistemic elements in the concept of reasonableness necessarily makes political liberalism perfectionist and weakens the political liberal account of respect for persons will be defeated by revising the understanding of epistemic reasonableness.

Beyond Rawls' original intention to limit the scope of political liberalism to only existing and well-ordered liberal democracies, political liberalism has the potential to inspire and contribute to democratic establishment and maintenance in East Asia. Specifically, I will first demonstrate that both comprehensive and moderate approaches to political Confucianism suffer from practical and theoretical difficulties. Then, I will propose a model of democracy supported by political liberalism that has a multivariate structure so that citizens can come to terms with democracy in their own ways, a neutral state to ensure the establishment and stability of democracy, and an active public role for Confucianism so that it will not be confined to the private sphere. This model represents a more promising future for democracy in contemporary

East Asia.

Scope and Terminology

Before I give the outline of chapters, it is worthwhile to specify the scope of and explain the terminology in the dissertation. This project is primarily situated within the liberal context, which means that the majority of the discussion will assume commitment to the following liberal values and principles:

- (1) Persons are free and equal, at least from the political point of view. Persons are free in the sense of being rational agents, capable of practical reasoning, with plans and projects for their own life, and with the capacity to understand and respond to moral reasons. Persons are equal in the sense that each person has the same fundamental moral status: there are no natural superiors or inferiors among us.
- (2) All sane adults have certain basic rights and liberties which include at least some form of freedom of thought and conscience, freedom of expression and association, rights to democratic participation and other political rights that are essential or important for a functioning democracy, a right to bodily integrity and freedom from assault, a right to private property (however property is justly distributed), as well as equal rights under the rule of law.
- (3) The protection of these rights and liberties should be one of the main function of any legitimate state.
- (4) Even if these rights are viewed as defeasible, they have a certain priority in our political reasoning, and are not easily defeated by conflicting considerations.⁷

This limited scope means that I will not engage with debates between liberal and nonliberal theories, nor will I consider objections from nonliberal perspectives that do not respect the above commitments.⁸ Although I do not share Jonathan Quong's position that "it is a mistake to spend much time worrying about whether liberalism can be justified to . . . illiberal people," I *do* want

⁷ I borrow these characterizations from Jonathan Quong, *Liberalism Without Perfection* (Oxford: Oxford University Press, 2011), 14-15.

⁸ With the exception of Chapter 8, where the relationship between liberal and nonliberal states will be discussed as part of a theory of global justice.

to limit the scope of the project so as to have a more engaging discussion.⁹

The first half of the dissertation focuses on the debate between political liberalism and liberal perfectionism. Quong helpfully distinguishes between the two theoretical variants of liberalism by answering two basic questions:

- (1) Must liberal political philosophy be based in some particular ideal of what constitutes a valuable or worthwhile human life, or other metaphysical beliefs?
- (2) Is it permissible for a liberal state to promote or discourage some activities, ideals, or ways of life on grounds relating to their inherent or intrinsic value, or on the basis of other metaphysical claims?¹⁰

Political liberalism answers “no” to both questions, meaning that it aims to be neither comprehensive beyond the scope of politics nor perfectionist in publicly endorsing some conception of the good.¹¹ The motivation for this restrained approach, as pointed out earlier, has to do with the Wars of Religion and the subsequent clashes of civilizations not merely as temporary conflicts of interest but more importantly as a revelation that their moral and political truth claims are irreconcilable. What follows from this irreconcilability, as modern history vividly demonstrates, can be horrifying, so much so that Judith Shklar grounds the necessity for constitutional democracy on fear and cruelty and refers to her political theory as “liberalism of fear.”¹² Liberal perfectionism, in contrast, answers “yes” to both questions, meaning that it aims

⁹ Jonathan Quong, *Liberalism Without Perfection* (Oxford: Oxford University Press, 2011), 8.

¹⁰ Ibid., 15.

¹¹ John Rawls’s theory represents the most well-known version of political liberalism. In addition to the Rawlsian political liberalism, Charles Larmore holds a similar theory that grounds liberalism on a moral basis. Gerald Gaus’ justificatory liberalism qualifies as a political liberal theory that also differs from Rawls’ theory in significant ways, especially in the case of public justification. See Charles Larmore, “The Moral Basis of Political Liberalism,” *The Journal of Philosophy* 96, No. 12 (1999): 599-625; Charles Larmore, *Patterns of Moral Complexity* (Cambridge: Cambridge University Press, 1987). Gerald Gaus, *Justificatory Liberalism: An Essay on Epistemology and Political Theory* (New York: Oxford University Press, 1996); Gerald Gaus, *The Order of Public Reason: A Theory of Freedom and Morality in a Diverse and Bounded World* (Cambridge: Cambridge University Press, 2011).

¹² Judith Shklar, “The Liberalism of Fear,” *Liberalism and the Moral Life*, Ed. Nancy Rosenblum (Harvard University Press, 1989).

to be both comprehensive and perfectionist.¹³ For liberal perfectionists, there is nothing wrong for the state to promote a particular conception of the good life, even if the latter cannot be publicly justified to all citizens. What is somewhat misleading about Quong's matrix is that liberal perfectionism need not be informed by a single comprehensive doctrine. Instead, the state can guide its political decisions and actions according to certain perfectionist values that can be agreed upon among citizens who subscribe to widely divergent comprehensive doctrines. This variant of liberal perfectionism is often referred to as moderate perfectionism, which is important because it poses significant challenges against political liberalism and inspires some of the most influential Confucian political theories.¹⁴ I will argue that political liberalism has the resources to defend against objections from both liberal perfectionism and moderate perfectionism, and that political liberalism is still the most promising political philosophy for the modern era.

The dissertation then moves on to Confucianism and contemporary theories of political Confucianism in the second half. I will limit my discussion to classical Confucianism of Confucius, Mencius, and Xunzi, primarily because the theories with which I will engage are concerned mainly with classical Confucian doctrines. Following the distinction between comprehensive and moderate perfectionism, Confucian political theories can also be distinguished between comprehensive and moderate branches. According to comprehensive Confucian perfectionism, public policies and legislations should reflect and state actions should

¹³ Many political philosophers have endorsed this position. See Joseph Raz, *The Morality of Freedom* (Oxford: Oxford University Press, 1986). Steven Wall, *Liberalism, Perfectionism, and Restraint* (Cambridge: Cambridge University Press, 1998). George Sher, *Beyond Neutrality: Perfectionism and Politics* (New York: Cambridge University Press, 1997). William Galston, *Liberal Purposes: Goods, Virtues, and Diversity in the Liberal State* (Cambridge: Cambridge University Press, 1991). Joseph Chan, "Legitimacy, Unanimity, and Perfectionism," *Philosophy and Public Affairs* 29, No.1 (Winter, 2000): 5-42.

¹⁴ See Joseph Chan, "Legitimacy, Unanimity, and Perfectionism," *Philosophy and Public Affairs* 29, No.1 (Winter, 2000): 5-42. See also Franz Fan-lun Mang, "Liberal Neutrality and Moderate Perfectionism," *Res Publica* 19 (2013): 297-315.

be guided by Confucian ideals and doctrines.¹⁵ Citizens ought to subscribe to, or at least practice certain components of Confucianism, because they have historical value and contemporary significance. Moderate Confucian perfectionism, in contrast, recognizes the fact of reasonable pluralism. According to some moderate Confucian political theorists, it is preferable for the state to promote Confucian values and principles without publicly endorsing Confucianism as a state ideology.¹⁶ Others prefer to maintain the Confucian public characteristics by having Confucian public reason as a platform of social and political discourse without neglecting the existence of other comprehensive doctrines in pluralistic societies.¹⁷ Despite these strategic differences, moderate theories of political Confucianism share the motivation to do away with theoretically negative and practically implausible implications of comprehensive theories and to find a way for Confucianism to influence the social and political reality of East Asian societies without denying the reasonableness of other comprehensive doctrines, such as Christianity and Islam. However, I will argue that even this moderate approach suffers from distinct problems, the solution to which will lead the discussion of democracy in East Asia from a perfectionist perspective to a different direction inspired and supported by political liberalism.

Chapter Preview

In a nutshell, the objective of this dissertation is twofold: to defend political liberalism

¹⁵ Jiang Qing is one of the most controversial advocates of comprehensive Confucianism. See *A Confucian Constitutional Order: How China's Ancient Past Can Shape Its Political Future*, eds. Daniel Bell and Ruiping Fan, trans. Edmund Ryden (New Jersey: Princeton University Press, 2013), Chapters 1, 2, 3, and 8. Daniel Bell also advocates Confucian meritocracy, although his specific positions have shifted throughout the years. See Daniel Bell, *Beyond Liberal Democracy: Political Thinking for an East Asian Context* (Princeton: Princeton University Press, 2006); Daniel Bell, *The China Model: Political Meritocracy and the Limits of Democracy* (Princeton: Princeton University Press, 2016).

¹⁶ See Joseph Chan, *Confucian Perfectionism: A Political Philosophy for Modern Times* (Princeton: Princeton University Press, 2014).

¹⁷ See Sungmoon Kim, *Public Reason Confucianism: Democratic-Perfectionism and Constitutionalism in East Asia* (Cambridge: Cambridge University Press, 2016).

against perfectionist challenges so as to establish its theoretical appeal and strength, and to bridge political liberalism with Confucianism so as to arrive at a more promising model of democracy for East Asia.

To achieve this dual objective, the dissertation is divided into two parts. The first part consists of 4 chapters and will lay the theoretical foundation by briefly outlining John Rawls' influential theory of political liberalism, and defending it against three critical objections from the perfectionist camp. Specifically, Chapter 1 offers a concise introduction to the political liberal project and its central ideas and strategies in order to lay the theoretical foundation for the remaining chapters. Chapter 2 deals with the objection that the political conception of justice cannot be separated from morality in the conventional sense. Chapter 3 systematically defends political liberalism against the asymmetry objection that challenges the priority of the right over the good in political liberalism. To some extent, Chapter 4 continues the discussion in Chapter 3 but shifts the attention to the specific issues of reasonableness and respect for persons. I will defend political liberalism against the objection that Rawls' inclusion of epistemic elements in the concept of reasonableness necessarily makes political liberalism lose its antiperfectionist appeal and weakens the political liberal account of respect for persons.

The second part of the project consists of 4 chapters and will shift to more practical ground by examining and exposing the discontents of several contemporary Confucian perfectionist theories before proposing a multivariate model of democracy for East Asia. Chapter 5 offers a very brief introduction to classical Confucianism and its central doctrines and principles. I will also argue that comprehensive Confucian perfectionism, which aims to revive ideological endorsement of Confucianism on the level of the state, suffers from both theoretical and practical problems. Chapter 6 focuses on two examples of moderate Confucian perfectionist

theories, which find at least some liberal and democratic ideals and institutions to be desirable or even necessary for a Confucian state. I will argue that these moderate approaches are still unsatisfactory because they cannot adequately defend the unique value of Confucianism while accommodating the fact of reasonable pluralism. Based on these criticisms, I will propose in Chapter 7 a multivariate model of democracy that has a multivariate structure, a neutral state, and an active public role for Confucianism, which represents a more promising future for democracy in East Asia. It goes without saying that democratization in East Asia cannot be accomplished with theoretical assumptions. For the foreseeable future, it is very likely that liberal democracies will need to coexist with nonliberal states. The interaction between liberal and nonliberal states further complicates the theory of global justice. In Chapter 8, I will present some preliminary remarks on how my interpretation and defense of political liberalism can lead to a concentric theory that contributes to a better understanding of global justice, especially when it comes to the interaction between liberal and nonliberal societies. To conclude the dissertation, I will leave with some final remarks that will serve as starting points for future development of political liberalism and democratic theories for East Asia.

Chapter 1: Political Liberalism and the Paradigm Shift of Political Philosophy

1.1. Introduction

In my view, the best place to start an introduction to John Rawls' political philosophy is Thomas Hobbes' *Leviathan*. Challenging the traditional understanding of the state with its heavy modern and post-metaphysical overtone, the *Leviathan* is perhaps the most significant work on political philosophy since Plato's *Republic* and Aristotle's *Politics*. To some extent, almost every subsequent political philosophers and theorists have been writing in the shadow of Hobbes and trying to deal with the various challenges he posed. One of Hobbes' most significant insight is the recognition of what we now call pluralism through his attack on the teleological and metaphysical view of politics that had dominated traditional Western philosophy. This departure from tradition leads to a separation of politics and morality in his political philosophy. Although there is an instrumental end for Hobbes' state, i.e. peace and security, there is no ethical end for its citizens in connection to the state. The state no longer has the responsibility of nurturing its citizens, and it in effect becomes a machine for the sake of security and stability. Hobbes' untimely reflection received much criticism from his successors, and many have proposed alternative theories to either counter his state of nature or his political theory in general.¹ Nevertheless, the Hobbesian challenges, particular the problems of assurance and stability, remain the central topics in contemporary political philosophy.

The twentieth century offered a greater ground to continue the discussion on pluralism with the rise of modernity, multiculturalism, and unfortunately, terrorism. It seems that pluralism

¹ Jean-Jacques Rousseau, for instance, criticizes Hobbes for projecting modern elements to the state of nature, which leads to a circular argument that misses the true cause of inequality. Jean-Jacques Rousseau, "Discourse on the Origin and Foundations of Inequality among Men," *Jean-Jacques Rousseau: The Basic Political Writing*, 2nd Edition, trans. and ed. Donald A. Cress (Indianapolis: Hackett Publishing Company, Inc., 2012), 39-41.

has penetrated the modern consciousness, and there has never been a better time to revisit the Hobbesian challenges. John Rawls' early work *A Theory of Justice* is precisely a comprehensive and rational response to Hobbes' instrumental view of the state. Nevertheless, the later Rawls shifts his focus in favor of what he calls "the reasonable" and endorses a political conception of justice in *Political Liberalism* to address the challenges from pluralism. The transition from the early to the later Rawls represents a shift in political philosophy from the paradigm of the rational and the comprehensive, to the paradigm of the reasonable and the political. Like Kant's famous Copernican turn, Rawls' change of perspective avoids the difficulties his predecessors had and is able to offer a more substantial response to Hobbes. Again like Kant, whose first critique tries to institute order in the "battlefield of metaphysics" on the epistemological level, Rawls' paradigm shift also tries to deal with the battlefield of pluralism on the political level.²

This chapter serves as a general introduction to Rawls' political philosophy. Specifically, I will first explain the motivation behind Rawls' transition from *A Theory of Justice* to *Political Liberalism*. Then, I will focus the rest of the chapter on introducing the key ideas and strategies in political liberalism that will be further discussed and developed in the remaining chapters.

1.2. *A Theory of Justice*: A Response to Hobbes

Two of the many challenges the *Leviathan* poses are the problems of assurance and stability. In a state of nature where everyone is egoistic, a perpetual "war of all against all" is a necessary consequence.³ In order to leave the state of nature where the "notions of right and wrong, justice and injustice, have there no place," people need to be assured that others will not

² Immanuel Kant, *Critique of Pure Reason*, trans. and ed. Paul Guyer and Allen Wood (New York: Cambridge University Press, 1998), 99.

³ Thomas Hobbes, *Leviathan*, ed. and intro. Edwin Curley (Indianapolis: Hackett, 1994), 78.

kill them and take over their possessions. The “fear of death,” “desire of such things as . . . commodious living,” and “a hope by their industry to obtain them” finally lead to an agreement to give up their natural freedom for the security of the state.⁴ Nevertheless, even with an established social compact, individuals still have their distinct ways of life and desires for some good, and it is simply impossible to satisfy every particular case to an equal extent. In the meantime, there is also a “general inclination of all mankind, a perpetual and restless desire of power after power, that ceaseth only in death.”⁵ Thus, “the law of nature of themselves, without the terror of some power to cause them to be observed, are contrary to our natural passions,” and the problem of stability naturally arises.⁶ To deal with this more serious problem, a mere agreement among people is by no means enough. As Hobbes so vividly puts it, “covenants without the sword are but words, and of no strength to secure a man at all.”⁷ The great Leviathan, with its absolute power in making laws and maintaining orders, is therefore the “common power to keep [citizens] all in awe” so as to solve these problems.

Following the Hobbesian premises, Rawls agrees that some device for administering fines and penalties must be established “to assure the cooperating parties that the common agreement is being carried out.”⁸ However, unlike Hobbes who sees a priority of stability over justice, Rawls offers a device of representation through what he calls “the original position” to achieve both. In the first part of *A Theory of Justice*, where he lays out a theoretical presentation of justice as fairness, Rawls argues that people in the original position are free, equal, and all concerned with advancing their own interest. Unlike Hobbes, he argues that every individual in

⁴ Ibid.

⁵ Ibid., 58.

⁶ Ibid., 106.

⁷ Ibid.

⁸ John Rawls, *A Theory of Justice*, Revised Edition (Cambridge: Belknap Press of Harvard University Press, 1999), 238.

the original position is behind a “veil of ignorance,” meaning that “no one knows his place in society, his class position or social status, nor does anyone know his fortune in the distribution of natural assets and abilities, his intelligence, strength, and the like.”⁹ Moreover, Rawls even assumes that “the parties do not know their conceptions of the good or their special psychological propensities.”¹⁰ The origin of this representational device can be found in Rousseau’s critique of Hobbes in *The Discourse on the Origin of Human Inequality*, where Rousseau argues that the reason why Hobbes assumes that man is vicious in the state of nature is because “he wrongly injected into the savage man’s concern for self-preservation the need to satisfy a multitude of passions which are the product of society.”¹¹ Accordingly, Rawls’ original position is a refined state of nature where all the unnecessary elements that will confuse the initial agreement are eliminated. Given the symmetry of everyone’s relations to each other, the original position is necessarily fair among individuals as moral persons, and everyone in the original position behind a veil of ignorance is capable of a sense of justice.¹²

Furthermore, Rawls also assumes that people are capable of rationally deliberating their conceptions of the good, which functions as the force of motivation. When the capacities for justice and the good are put together, people in the original position will necessarily deliberate fundamental principles that are both just and able to advance their interests. In particular, Rawls argues in great detail that two principles of justice will be chosen:

- (1) Each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for all.
- (2) Social and economic inequalities are to be arranged so that they are both (a) to

⁹ Ibid., 11.

¹⁰ Ibid.

¹¹ Jean-Jacques Rousseau, “Discourse on the Origin of Inequality,” *The Basic Political Writings*, trans. and ed. Donald A. Cress (Indianapolis: Hackett, 1987), 53.

¹² John Rawls, *A Theory of Justice*, Revised Edition (Cambridge: Belknap Press of Harvard University Press, 1999), 17.

the greatest benefit to the least advantaged members of society, consistent with the just savings principle, and (b) attached to offices and positions open to all under conditions of fair equality of opportunity.¹³

With these two principles, the natural and social contingencies and arbitrariness found in Hobbes' *Leviathan* are eliminated, and the assurance problem is solved without the use of force and violence.

Then there is the stability problem. There are two kinds of instability. First, there is the instability caused by isolation, which "arises whenever the outcome of the many individuals' decisions made in isolation is worse for everyone than some other course of action, even though, taking the conduct of the others as given, each person's decision is perfectly rational."¹⁴ The second kind of instability is a direct consequence of the assurance problem, that is, how to make sure everyone will in fact act justly. It would seem that Hobbes' absolute sovereign puts an end to the discussion by replacing all possible instability with absolute obedience. However, Rawls has a much more ambitious goal in mind: he wants to achieve strict compliance as opposed to partial compliance. Partial compliance, like the one found in Hobbes' *Leviathan*, studies the principles that govern how we are to deal with injustice. Strict compliance, as the name suggests, is compliance in the strict sense of the term, meaning that people comply not because they have to but because they want to. In the third part of *A Theory of Justice*, Rawls tries to show "how relations of friendship and mutual trust, and the public knowledge of a common and normally effective sense of justice, bring about the same result" as Hobbes' absolute sovereign.¹⁵ The thesis of the third part is that a society regulated by a public sense of justice is inherently stable.¹⁶

¹³ John Rawls, *A Theory of Justice*, Revised Edition (Cambridge: Belknap Press of Harvard University Press, 1999), 266.

¹⁴ *Ibid.*, 237.

¹⁵ *Ibid.*, 435.

¹⁶ *Ibid.*, 436.

This inherent stability is a consequence of the reciprocal relation between the three psychological laws concerning authority, association, and principles.

Accordingly, the first kind of instability is addressed by Rawls in a non-instrumental way, because given the natural attitudes and the desire to do what is just established according to the psychological laws, no one wishes to advance his interests unfairly to the disadvantage of others.¹⁷ As for the second type of instability, “there is no reason for anyone to think that he must violate the rules to protect his legitimate interests,” since each recognizes these inclinations and sentiments as prevalent and effective.¹⁸ Thus, Rawls moralizes the problem of stability and solves it with strict compliance on the basis of the public sense of justice. In other words, Rawls tries to insert an ethical point of view into Hobbes’ otherwise instrumental account of the problem of stability, because the psychological and moral laws come together to support the stability of a well-ordered society.

Two issues immediately arise. First, it is clear that Rawls sees the assurance problem as part of the stability problem, which makes the latter the more essential problem. Although Rawls is able to replace absolute obedience with the sense of justice to maintain strict compliance and stability, the Hobbesian fact that everyone has their distinct view of the good life still holds true. On the one hand, if a society offers its citizens no alternative to acting justly in the Rawlsian sense, then it is just as psychologically tyrannical as the Hobbesian absolute obedience. On the other hand, if there is alternative to Rawls’ theory of justice as fairness, the society remains unstable. Second, based on this conception of justice, people will be motivated to pursue what Rawls calls the “primary goods,” such as “right and liberties, powers and opportunities, income

¹⁷ Ibid., 435.

¹⁸ Ibid.

and wealth,” and self-respect.¹⁹ Given this motivation, rational choices in terms of a constitution, a legislature to enact laws, and the like will necessarily follow, all of which are in accordance with the principles initially agreed upon.²⁰ In other words, “it will then be true that whenever social institutions satisfy these principles those engaged in them can say to one another that they are cooperating on terms to which they would agree if they were free and equal persons whose relations with respect to one another were fair.”²¹ Thus, unlike most teleological theories, utilitarianism in particular, which define the good independently from the right, and then the right as that which maximizes the good, Rawls’ theory of justice prioritizes the right to determine the good—the conceptions of the good are chosen according to the principles of justice agreed upon in the original position. From this perspective, justice as fairness becomes part of rational choice theory.

In “Justice as Fairness: Political not Metaphysical,” Rawls confesses that “it was an error . . . (and a very misleading one) to describe a theory of justice as part of the theory of rational choice . . . What [he] should have said is that the conception of justice as fairness uses an account of rational choice subject to reasonable conditions to characterize the deliberations of the parties as representatives of free and equal persons.”²² This statement responds to both issues at the same time. First, between absolute anarchy and absolute tyranny, an appropriate modern political theory must walk the middle ground to maintain stability on the one hand and well-being on the other. Second, to achieve this goal, justice as fairness in *A Theory of Justice* is too rational in orientation and neglects the equally important fact of pluralism. A political theory that

¹⁹ Ibid., 54.

²⁰ Ibid., 12.

²¹ Ibid.

²² John Rawls, “Justice as Fairness: Political not Metaphysical,” *Philosophy and Public Affairs* 14, No. 3 (Summer, 1985): 237, Footnote 20.

tries to rationally justify and endorse any particular doctrine is bound to fail in the context of reasonable pluralism. Similarly, classical solutions to the Hobbesian challenges, such as Locke's state of property, Rousseau's transformative general will, Hegel's constitutional monarchy, and Kant's "Kingdom of Ends," all share the same tragic fate because only when a pluralistic device is posited can the political framework be adapted to the factually pluralistic condition of modern society. What is needed is not another rational theory of the state but something new entirely. Rawls' later career was precisely dedicated to this "something new entirely" by taking what he calls reasonable pluralism seriously. In the next two sections, I will elaborate on Rawls' philosophical transition, and introduce key concepts and strategies in his political liberalism.

1.3. The Political Turn

Responding to Hobbes' challenges leads Rawls to reflect upon the validity of his own approach in *A Theory of Justice*. Although it is intended as a modern answer to Hobbes' classical questions, justice as fairness nonetheless belongs to the old paradigm of political philosophy that relies on the conceptions of what are of value in human life, ideals of personal virtue and character, and the like, that inform life as a whole, and require, on the political level, justification and endorsement regardless of their controversial, religious and philosophical claims.²³ From this perspective, justice as fairness is not unlike the Augustinian city of man, because it also assumes that what holds true about morality must comprehensively guide the understanding and operation of politics.

However, as the title of Rawls' transitional essay ("Justice as Fairness: Political not Metaphysical") suggests, a comprehensive theory of justice cannot be justifiably endorsed by all

²³ John Rawls, "The Domain of the Political and Overlapping Consensus," *Collected Papers*, ed. Samuel Freeman (Cambridge: Harvard University Press, 1999), 480.

citizens when it neglects the actual socio-political condition of modern constitutional democracies.²⁴ Inspired by “the Wars of Religion following the Reformation and the subsequent development of the principle of toleration, and in the growth of constitutional government and of large industrial market economies,” Rawls argues that the diversity of reasonable comprehensive religious, philosophical, and moral doctrines found in modern democratic societies is “not a mere historical condition that may soon pass away; it is a permanent feature of the public culture of democracy.”²⁵ Rawls refers to this phenomenon as “reasonable pluralism” in order to distinguish it from pluralism as such that easily leads to relativism. Unlike pluralism as such, reasonable pluralism is the necessary outcome of human reason under burdens of judgment and enduring free institutions.²⁶ Taking reasonable pluralism seriously means that a workable conception of justice “must allow for a diversity of general and comprehensive doctrines, and for the plurality of conflicting, and indeed incommensurable, conceptions of the meaning, value, and purpose of human life [i.e. conceptions of the good] affirmed by the citizens of democratic societies.”²⁷ Consequently, the greatest challenge to modern constitutional democracy is no longer the problem of assurance but the problem of stability. More specifically, the challenge has to do with “stability for the rights reasons,” meaning that a temporary and strategic *modus vivendi* is not enough.²⁸ Instead, citizens will need to be able to endorse the political conception of justice from within their own comprehensive doctrines so that the endorsement will remain stable regardless of the diversity of and even conflict between their comprehensive doctrines.²⁹ In Rawls’ own

²⁴ John Rawls, “Justice as Fairness: Political not Metaphysical,” *Philosophy and Public Affairs* 14, No. 3 (Summer, 1985): 223-251.

²⁵ John Rawls, “The Idea of an Overlapping Consensus,” *Collected Papers* (Harvard University Press, 1999), 424. Also see John Rawls, *Political Liberalism*, Expanded Edition (New York: Columbia University Press, 2005), 36.

²⁶ John Rawls, *Political Liberalism*, Expanded Edition (New York: Columbia University Press, 2005), 61.

²⁷ *Ibid.*

²⁸ Percy B. Lehning, *John Rawls: An Introduction* (New York: Cambridge University Press, 2006), 100.

²⁹ John Rawls, “The Idea of Public Reason Revisited,” *The University of Chicago Law Review* 64, No. 3 (Summer, 1997): 781-782.

words, the problem that modern political theory ought to solve is:

How is it possible that there may exist over time a stable and just society of free and equal citizens profoundly divided by reasonable though incompatible religious, philosophical, and moral doctrines? Put another way: How is it possible that deeply opposed though reasonable comprehensive doctrines may live together and all affirm the political conception of a constitutional regime? What is the structure and content of a political conception that can gain the support of such an overlapping consensus?³⁰

This series of questions motivate Rawls to reconsider the classical paradigm that favors the rational and the comprehensive, which leads to his later theory of political liberalism.

Many refer to Rawls' transition to political liberalism as the "political turn" for good reasons, because underneath the paradigm shift is the fundamental distinction between comprehensive doctrines and the political conception of justice.³¹ According to Rawls, a moral, philosophical, or religious doctrine is comprehensive when it includes not only the specific subject of political institutions but also "conceptions of what is of value in human life, and the ideals of personal character, as well as ideals of friendship and of familial and associational relationships, and much else that is to inform our conduct, and in the limit to our life as a whole."³² Most classical theories of political justice, Christian political theology and Kantianism for instance, are examples of comprehensive doctrines that span from guiding a private person's way of life to grounding theories of justice. The problem with comprehensive theories of justice is twofold. Theoretically, they each assume their own truth, which leads to disagreement or even conflict that is hardly easy to politically settle to everyone's satisfaction. Practically, political power is always coercive power backed by the government's use of sanctions, because

³⁰ John Rawls, introduction to *Political Liberalism*, Expanded Edition (New York: Columbia University Press, 2005), xviii.

³¹ For discussions over the transition from *A Theory of Justice* to *Political Liberalism*, see Chapter 8 in Sebastiano Maffettone, *Rawls: An Introduction* (Malden: Polity Press, 2010). Percy B. Lehning, *John Rawls: An Introduction* (New York: Cambridge University Press, 2006), 99-102. Chapter 6 in Samuel Freeman, *Justice and the Social Contract: Essays on Rawlsian Political Philosophy* (New York: Cambridge University Press, 2007).

³² John Rawls, *Political Liberalism*, Expanded Edition (New York: Columbia University Press, 2005), 13.

government alone has the authority to use force in upholding its laws.³³ Comprehensive endorsement of a specific doctrine as the foundation of state action necessarily jeopardizes the free and equal status of citizens of constitutional democracies. If one takes the permanent fact of reasonable pluralism and the difficulty of comprehensive political theories seriously, then the only sensible thing to do is to apply the “method of avoidance” and “the principle of toleration” to philosophy itself.³⁴ The conclusion Rawls arrives at is that the public conception of justice is to be political, not metaphysical. From a political perspective, classical conundrums, such as the nature of God, that occupy the debate between comprehensive doctrines ought to be avoided not because “these questions are unimportant or regarded with indifference, but because we think them too important and recognize that there is no way to resolve them politically.”³⁵ Therefore, what political theorists and philosophers are able to propose is at best a framework within which permissible conceptions can be advanced and mutually acceptable way of resolving disagreements can be publicly established. In other words, political liberalism is not supposed to offer a true foundation for comprehensive doctrines. Instead, like Kant’s innovation in the first critique to limit the scope of pure reason, political liberalism is a similar critique of the limit of political philosophy.

1.4. Five Pillars of Political Liberalism

Political liberalism is highly intricate theory of politics that has been generating controversies and debates ever since the publication of Rawls’ *Political Liberalism*. In order to give a concise yet comprehensive outline of the theory to pave the road for the rest of the

³³ John Rawls, *Political Liberalism*, Expanded Edition (New York: Columbia University Press, 2005), 136.

³⁴ John Rawls, “Justice as Fairness: Political not Metaphysical,” *Philosophy and Public Affairs* 14, No. 3 (Summer, 1985): 231, 240.

³⁵ *Ibid.*, 230.

dissertation, I will focus on the five pillars of political liberalism that make the theory stand out: the distinction between the rational and the reasonable, the distinction between comprehensive doctrines and political conception of justice, the liberal principle of legitimacy, the concept of overlapping consensus, and the concept of public reason. In the last section, I will raise three objections that I think pose the most serious challenges to political liberalism. The next three chapters will be devoted to addressing these objections.

The first and perhaps the most important pillar of political liberalism is the distinction between the rational and the reasonable in the context of persons. As is the case in *A Theory of Justice*, free and equal citizens have two moral powers as persons: a capacity for a sense of justice to understand, to apply, and to act from the public conception of justice which characterizes the fair terms of social cooperation, and a capacity to have, to revise, and to rationally pursue a conception of one's rational advantage or good.³⁶ In *Political Liberalism*, Rawls follows W. M. Sibley's original discussion and distinguishes the rational, which concerns only a person's intelligence to pursue her own ends, from the reasonable, which necessarily takes into consideration other persons who are willing to govern their conduct by a principle from which they and others can reason in common, as well as the consequences of their actions on others' well-being.³⁷ In other words, persons are reasonable when (1) among equals, they are "ready to propose principles and standards as fair terms of cooperation and to abide by them willingly, given the assurance that others will likewise do so," and that (2) they are willing to "recognize the burdens of judgment and to accept their consequences for the use of public reason in directing the legitimate exercise of political power in a constitutional regime."³⁸ These two

³⁶ John Rawls, *Political Liberalism*, Expanded Edition (New York: Columbia University Press, 2005), 19.

³⁷ Ibid., 49, Footnote 1.

³⁸ Ibid., 49, 54.

conditions are widely accepted as the ethical and epistemic components of the concept of the reasonable person.³⁹ The critical element missing from the rational is that of reciprocity, or the desire to engage in fair cooperation on terms that others as equals might reasonably be expected to endorse.⁴⁰ With reasonable rather than purely rational persons as the subject of political liberalism, Rawls sets up the foundation to address the permanent fact of reasonable pluralism by conceiving persons as capable of and willing to acknowledge the limits of traditional and comprehensive approaches to justice.

The second pillar of political liberalism is the distinction between comprehensive doctrines and the political conception of justice. It will be remembered that *modus vivendi* is not an option for Rawls, because stability can only be temporarily maintained insofar as different parties are rationally attracted to a shared objective. True stability ought to be for the right reasons, that is, reasons that are inherently attractive to persons holding a diversity of comprehensive doctrines. Instead, Rawls envisions the political conception of justice to be a “module” that “fits into and can be supported by various reasonable comprehensive doctrines.”⁴¹ In contrast to comprehensive doctrines that are substantial, wide-ranging, and controversial, the political conception of justice has three features. First, it is what Rawls calls “a freestanding view” that offers “no specific metaphysical or epistemological doctrine beyond what is implied by the political conception itself.”⁴² Without eliminating the need for comprehensive doctrines to guide persons in their private lives, Rawls proposes a domain of the political which a conception

³⁹ Many have argued that the inclusion of epistemic elements in an otherwise neutral theory of politics risks pushing political liberalism closer to perfectionism. I will argue against this position in Chapter 4. For further discussion on the epistemic dimension of political liberalism, see Steven Wall, “Perfectionism, Reasonableness, and Respect,” *Political Theory* 42, No. 4 (2014): 468-489. Fabienne Peter, “Epistemic Foundations of Political Liberalism,” *Journal of Moral Philosophy* 10 (2013): 598-620. Federica Liveriero, “The Epistemic Dimension of Reasonableness,” *Philosophy & Social Criticism* 41, No. 6: 517-535.

⁴⁰ John Rawls, *Political Liberalism*, Expanded Edition (New York: Columbia University Press, 2005), 51.

⁴¹ *Ibid.*, 12.

⁴² *Ibid.*, 10.

of justice can be derived from, or congruent with, or at least not in conflict with non-political values.⁴³ Second, the political conception of justice applies only to the “basic structure” of society, which means “a society’s main political, social, and economic institutions, and how they fit together into one unified system of social cooperation from one generation to the next.”⁴⁴ Third, the content of the political conception of justice is expressed in terms of “certain fundamental ideas seen as implicit in the public political culture of a democratic society.”⁴⁵ For instance, the idea that citizens are free and equal persons, and the idea that society is a fair system of cooperation over time are present and shared by the general public in a democracy. As for beliefs specific to comprehensive doctrines, Rawls argues that they belong only to the “background culture” of civil society, where the culture is not guided by any one central idea or principle.⁴⁶

On the basis of the two sets of distinctions above, it is clear that the idea of political legitimacy must take the criterion of reciprocity into consideration. According to Rawls, “our exercise of political power is fully proper only when it is exercised in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse in the light of principles and ideals acceptable to their common human reason.”⁴⁷ This is the liberal principle of legitimacy, which is the third pillar of political liberalism that serves as the standard to judge whether or not the constitutional structure and particular statutes and laws are justified. Speaking of justification, Rawls distinguishes three levels of justification in his reply to Jürgen Habermas. The first level constitutes merely a *pro tanto* justification through the

⁴³ Ibid., 11.

⁴⁴ Ibid., 11.

⁴⁵ Ibid., 13.

⁴⁶ Ibid., 443.

⁴⁷ Ibid., 137.

representational device of the Original Position, which may be overridden by citizens' comprehensive doctrines. The second level constitutes the full justification, where citizens evaluate the *pro tanto* argument to see if they can endorse it given their comprehensive doctrines. If so, an overlapping consensus is produced, and the *pro tanto* argument can be seen as derived from, or congruent with, or at least not in conflict with citizens' diverse but reasonable comprehensive doctrines. The overlapping consensus is the fourth pillar of political liberalism, by which Rawls means "a consensus in which a diversity of conflicting comprehensive doctrines endorse the same political conception."⁴⁸ To illustrate this concept, Rawls assumes that there are two parts in the overall views of citizens: "one part can be seen to be, or to coincide with, a political conception of justice; the other part is (fully or partially) comprehensive doctrine to which the political conception is in some manner related."⁴⁹ In other words, political liberalism holds that there is a special domain of the political distinct from such other domains as the associational and the affectional.⁵⁰ An overlapping consensus happens when the political parts of the citizens' overall views overlap and agree with one another despite disagreements in morality, philosophy, religion, and any other elements in the remaining part of their overall views.⁵¹ If the bottleneck in solving the problem of stability is the necessary conflict between comprehensive

⁴⁸ John Rawls, "The Domain of the Political and Overlapping Consensus," *Collected Papers* (Cambridge: Harvard University Press, 1999), 486.

⁴⁹ *Ibid.*, 489.

⁵⁰ *Ibid.*, 482.

⁵¹ John Rawls, *Political Liberalism*, Expanded Edition (New York: Columbia University Press, 2005), 385-388. For a recent attempt to revise the order of priority in Rawls' theory of justification, see Jonathan Quong, *Liberalism Without Perfection* (Oxford: Oxford University Press, 2011). Quong argues that political liberalism is "better understood as *beginning* with the overlapping consensus" so as to limit the aim of political liberalism to exclude the illiberal or unreasonable. Quong refers to this limited view as the "internal conception" of political liberalism, which restricts the constituency of political liberalism to people who are reasonable and endorse basic liberal ideals and institutions. There is no room to argue against this revision of political liberalism, but needless to say the internal conception of political liberalism risks sectarianism and is vulnerable to perfectionist criticisms. As for the former, see Gerald Gaus, "Sectarianism Without Perfection? Quong's Political Liberalism," *Philosophy and Public Issues* 2, No. 2 (Fall 2012): 7-15. Kevin Vallier, "On Jonathan Quong's Sectarian Political Liberalism," *Criminal Law and Philosophy* 11, No. 1 (2017): 175-194. As for the latter, see Paul Billingham, "Liberal Perfectionism and Quong's Internal Conception of Political Liberalism," *Social Theory and Practice* 43, No. 1 (January 2017): 79-106.

doctrines in modern pluralistic society, then by applying the principle of toleration to comprehensive doctrines and focusing only on the reasonably overlapped political conceptions on the surface, stability can be maintained while accommodating incommensurable comprehensive doctrines at the same time. Finally, public justification obtains beyond the overlapping consensus when all reasonable citizens have achieved full justification of the principles of justice, which are publicly known and respected. Thus, there is a two-stage process for political liberalism to arrive at the political conception of justice:

In the first stage it is worked out as a freestanding political (but of course moral) conception for the basic structure of society. Only with this done and its content—its principles of justice and ideals—provisionally on hand do we take up, in the second stage, the problem of whether justice as fairness is sufficiently stable. Unless it is so, it is not a satisfactory political conception of justice and it must be in some way revised.⁵²

Only in this way can the political conception of justice be stable for the right reason, because each citizen is able to find within their own reasonable comprehensive doctrines the support needed to establish political consensus.

Finally, the fifth pillar of political liberalism is public reason.⁵³ Since the domain of the political is devoid of comprehensive doctrines, it follows that the discourse and deliberation among participants regarding fundamental political questions ought not to be carried out through

⁵² John Rawls, *Political Liberalism*, Expanded Edition (New York: Columbia University Press, 2005), 140-141.

⁵³ There is internal debate in liberalism over the nature of public reason. For instance, although Rawls limits the scope of public reason to only constitutional essentials and matters of basic justice, Charles Larmore argues that the scope of public reason covers all instances where some person or group exercises coercive power over another person or group. Another point of disagreement has to do with the constituency of public reason. In Rawls' view, reasonable persons who fulfill both the ethical and epistemic requirements of reasonableness represent the constituency of public reason. Gerald Gaus, on the other hand, argues that Members of the Public, or real people who subscribe to moral and political rules, can be the constituency of public reason, which is much more inclusive than Rawls' account. Charles Larmore, "The Moral Basis of Political Liberalism," *The Journal of Philosophy* 96, No. 12 (1999): 599-625. Charles Larmore, "Public Reason," *The Cambridge Companion to Rawls*, ed. Samuel Freeman (Cambridge: Cambridge University Press, 2002), 368-393. Gerald Gaus, "The Place of Religious Belief in Public Reason Liberalism," *Multiculturalism and Moral Conflict*, eds. Maria Dimova-Cookson and Peter M. R. Stirk (New York: Routledge, 2009), 19-37. Gerald Gaus, *The Order of Public Reason: A Theory of Freedom and Morality in a Diverse and Bounded World* (Cambridge: Cambridge University Press, 2011).

nonpublic reasons that are only available to some groups of citizens.⁵⁴ Instead, Rawls argues that in a well-ordered democracy, citizens ought to appeal to reasons that they may reasonably give one another when fundamental political questions are at stake. A political society, like an individual or a family, “has a way of formulating its plans, of putting its ends in an order of priority and of making its decisions accordingly. The way a political society does this is its reason.”⁵⁵ Specifically, public reason is public in three ways:

as the reason of free and equal citizens, it is the reason of the public; its subject is the public good concerning questions of fundamental political justice, which questions are of two kinds, constitutional essentials and matters of basic justice; and its nature and content are public, being expressed in public reasoning by a family of reasonable conceptions of political justice reasonably thought to satisfy the criterion of reciprocity.⁵⁶

Although public reason aims to remain neutral regarding different comprehensive doctrines, Rawls nonetheless introduces what he calls the “proviso” to allow reasonable comprehensive doctrines to be introduced in public political discussion, provided that “in due course proper political reasons—and not reasons given solely by comprehensive doctrines—are presented that are sufficient to support whatever the comprehensive doctrines introduced are said to support.”⁵⁷ Rawls gives several examples to demonstrate the proviso. In the cases of the Abolitionists and the Civil Rights Movement, the proviso was fulfilled in both instances because the comprehensive doctrines “supported basic constitutional values,” which in turn supported reasonable conceptions of political justice.⁵⁸

⁵⁴ Nonpublic reason, according to Rawls, “comprise the many reasons of civil society” and belong to the background culture in contrast with the public political culture. Rawls has in mind churches and universities, scientific societies and professional groups as examples that practice nonpublic reason. John Rawls, *Political Liberalism*, Expanded Edition (New York: Columbia University Press, 2005), 220.

⁵⁵ *Ibid.*, 212.

⁵⁶ *Ibid.*, 442.

⁵⁷ *Ibid.*, 462.

⁵⁸ *Ibid.*, 464.

Breaking away from his earlier and rational approach to justice, the later Rawls develops a political theory of justice on the basis of a family of distinctions and a series of ingenious concepts. With the distinction between the reasonable and the rational, political liberalism takes a leap forward to confront the permanent fact of value pluralism that defines modern constitutional democracies. With the distinction between comprehensive doctrines and the political conceptions of justice, political liberalism cuts the ties with traditional political philosophies that are hindered by controversial issues. With the liberal principle of legitimacy, the legitimacy of the political conception of justice is demonstrated through its reasonable justification to all free and equal citizens. Within the domain of the political, public reason replaces nonpublic reason to deliberate and arrive at an overlapping consensus over a political conception of justice that can be endorsed from a diversity of comprehensive doctrines. Political liberalism thus offers a promising path to a stable and just society of free and equal citizens profoundly divided by reasonable though incompatible religious, philosophical, and moral doctrines.

1.5. Defending Political Liberalism: Three Issues

Since the publication of *Political Liberalism*, almost every corner of the later Rawls' thought has been analyzed by scholars from a wide variety of disciplines. From my perspective, there are three critical issues that have either received insufficient attention or failed to be thoroughly clarified and defended. Before I turn to these issues in the next three chapters, it is helpful to briefly outline them here and demonstrate their importance to the political liberal project.

First and foremost, the feasibility and consistency of the political liberal project has always been a subject of controversy. For instance, communitarians argue that since the political conception of justice draws its central ideas from “the public political culture of a democratic society,” it necessarily assumes the unique characteristics of such society, which means that political liberalism is theoretically limited to well-ordered constitutional democracies.⁵⁹ There is some truth to the statement, but a bigger issue at stake is Rawls’ seemingly contradictory tendencies to avoid comprehensive moral doctrines and still maintain political liberalism as a moral theory. As Sebastiano Maffettone correctly puts this issue in the form of a dilemma:

In PL Rawls adopts a moral view of politics and the stability which he aims to ensure is a moral one – that is, a stability “for the right reasons.” Yet by proposing to resolve this problem by means of the political conception he risks separating citizens’ political behavior from their right reasons. He thus appears to be faced with a dilemma: establishing moral stability, a stability for the right reasons, would seem to threaten pluralism, and vice versa.⁶⁰

This issue is significant because the foundation of political liberalism hinges upon a satisfactory resolution of the seeming conflict between two senses of morality: the comprehensive sense and the political sense Rawls intends it to be. In Chapter 2, I will engage with this issue and propose what I will call the “public conception of morality” as a way to clarify and resolve this theoretical conundrum.

In addition, political liberalism as well as theories of liberal neutrality are often confronted with the so-called “asymmetry objection” from perfectionism that questions the different treatment regarding the right and the good. According to political liberalism, the question of the good life, unlike the question of political justice, fundamentally divides even reasonable people in a liberal society, so the most sensible thing to do is for the state to refrain

⁵⁹ John Rawls, *Political Liberalism*, Expanded Edition (New York: Columbia University Press, 2005), 13.

⁶⁰ Sebastiano Maffettone, *Rawls: An Introduction* (Malden: Polity Press, 2010), 211.

from making references, let alone officially endorsing, comprehensive doctrines in order to avoid implications of paternalism and even totalitarianism. However, it is also reasonable to assume that similar disagreements exist in the realm of justice. Michael Sandel, for instance, argues that “political liberalism must assume not only that the exercise of human reason under conditions of freedom will produce disagreements about the good life but also that the exercise of human reason under conditions of freedom will not produce disagreements of justice.”⁶¹ The asymmetry objection is considered by many to be so powerful that “as long as [it] remains unanswered, the pursuit of justice opens the door to perfectionism.”⁶² In Chapter 3, I will turn to the asymmetry objection by responding to it in two different liberal contexts: the context of comprehensive perfectionism and the context of moderate perfectionism. I will argue that political liberalism has the resources to respond to the objection in both contexts, which strengthens the case for the neutral state.

Finally, Rawls’ concept of reasonableness has long invited scrutiny over and criticism against its ambiguity. To further complicate the matter, Rawls’ application of the concept ranges from persons, disagreements, and to comprehensive doctrines. Martha Nussbaum has recently exposed a serious ambiguity in Rawls’ reference to epistemic elements in the concept of reasonableness that might compromise the antiperfectionist appeal of political liberalism.⁶³ To address this problem, Nussbaum proposes that the notion of reasonableness should be construed in an entirely ethical fashion so that political liberalism can be grounded on respect for persons

⁶¹ Michael Sandel, *Liberalism and the Limits of Justice* (Cambridge: Cambridge University Press, 1982), 203. For the asymmetry objection, also see Sandel “Political Liberalism,” *Harvard Law Review* 107 (1994): 1783-88. Joshua Cohen, “Moral Pluralism and Political Consensus,” *The Idea of Democracy*, eds. David Copp, Jean Hampton, and John Roemer (Cambridge: Cambridge University Press, 1993), 270-91.

⁶² Timothy Fowler and Zofia Stemplowska, “The Asymmetry Objection Rides Again: On the Nature and Significance of Justificatory Disagreement,” *Journal of Applied Philosophy* 32, No. 2 (2015): 145.

⁶³ Martha Nussbaum, “Perfectionist Liberalism and Political Liberalism,” *Philosophy & Public Affairs* 39, No. 1 (Winter, 2011): 3-45.

without reference to epistemic elements at all. In response, Steven Wall argues against Nussbaum from a liberal perfectionist perspective that epistemic elements are indispensable for political liberalism, which in turn demonstrates the plausibility of liberal perfectionism and its ability to maintain a superior account of respect for persons. I will turn to the concept of reasonableness and the related issue of respect for persons in Chapter 4. In my view, Nussbaum's radical solution is neither helpful nor necessary. Instead, I will propose a revised understanding of epistemic reasonableness, on the basis of which Rawls' inclusion of epistemic elements in the concept of reasonableness is justified. In addition, political liberalism can defend a stronger account of respect for persons on the basis of the revised understanding of epistemic reasonableness against liberal perfectionism. Both arguments serve to demonstrate the strength of the political liberal project.

Chapter 2: The Public Conception of Morality in Political Liberalism

2.1. Introduction

When John Rawls made the transition from *A Theory of Justice* to *Political Liberalism*, he adopted a new family of conceptions to define his political turn. Central to this new family of conceptions is the political conception of justice. According to Rawls, one of the three features of the political conception of justice is that it is “a moral conception worked out for a specific kind of subject, namely, for political, social, and economic institutions.”¹ In “The Idea of Public Reason Revisited,” Rawls states that “political values are intrinsically moral.”² In his last work, *The Law of Peoples*, Rawls also makes references to “the political (moral) conception of right and justice” and “political (moral) ideals.”³ Together, these remarks point to a puzzle regarding Rawls’ understanding of morality in the domain of the political. On the one hand, Rawls distinguishes between the political conception of justice from what he calls “background culture” that consists of reasonable comprehensive religious, philosophical, and moral doctrines. On the other hand, his remarks obviously suggest that the political conception of justice is intrinsically moral. Unfortunately, Rawls never fully explains what he means by morality in relation to the political conception of justice. So the guiding question of this chapter is: if Rawls thinks that the political conception of justice is indeed a moral conception, what conception of morality does he hold?⁴ In other words, how should one understand Rawls’ “political turn” when Rawls

¹ John Rawls, *Political Liberalism*, expanded edition (New York: Columbia University Press, 2005), 11.

² John Rawls, “The Idea of Public Reason Revisited,” *The Law of Peoples*, with “*The Idea of Public Reason Revisited*” (Cambridge: Harvard University Press, 1999), 174, Footnote 91; 137, Footnote 19.

³ John Rawls, *The Law of Peoples*, “with *The Idea of Public Reason Revisited*” (Cambridge: Harvard University Press, 1999), 24; 14; 17.

⁴ The (narrower) moral conception in relation to the domain of the political should be distinguished from the (broader) moral conception as such. This chapter is primarily concerned with the former, as Rawls’ first feature of the political conception of justice suggests. This distinction, as we shall see in the end of the chapter, will be developed more fully as the distinction between morality and ethics.

demarcates the domain of the political as one part of the domain of the moral?⁵

The thesis I wish to defend in this chapter is that Rawls (implicitly) endorses what I will call the “public conception of morality” which is the focus of an overlapping moral consensus among comprehensive moral doctrines. The “public” characteristic of this conception of morality rests on its replacement of controversial moral *foundation* with a reasonable and justificatory *structure*. The public conception of morality serves as a filter through which reasonably justified ideals, principles, and standards enter into the shared public culture from which the political conception of justice draws its basic ideas and principles.⁶ In the rest of the chapter, I will begin by proposing a working definition of the public conception of morality. Then, I will defend the conception by addressing two critical questions. First, what warrants the radical replacement of controversial moral foundation with a reasonable and justificatory structure? In response, the first question will be situated in Alasdair MacIntyre’s reading of Søren Kierkegaard’s *Either/Or*. Despite many (correct) criticisms against MacIntyre’s interpretation, I will show that the “criterionlessness” presented in *Either/Or* can be interpreted as the criterionlessness to choose among a plurality of equally reasonable foundations of morality, which points to the need for a structurally justificatory rather than a foundationalist approach to morality. This shift, I will argue, plays a significant role in Rawls’ political turn. Second, one might also object that once a pluralistic and non-foundationalist view of morality is accepted, it is almost inevitable to be suspicious of the authority of morality, which is traditionally derived from its objective and

⁵ Similar concerns have been raised from different angles in recent literatures, but the puzzle regarding Rawls’ conception of morality in relation to the domain of the political is never fully addressed. See for instance Marcel Becker, “E Pluribus Unum? Critical Comments on John Rawls’ Concept of Overlapping Consensus,” *Religion, State and Society* 41, no. 2 (2013): 188-198. Fabian Freyenhagen, “Taking Reasonable Pluralism Seriously: An Internal Critique of Political Liberalism,” *Politics, Philosophy & Economics* 10, no. 3 (2011): 323-342. Andrea Sangiovanni, “Justice and the Priority of Politics to Morality,” *Journal of Political Philosophy* 16, no. 2 (June, 2008): 137-164.

⁶ See John Rawls, *Political Liberalism*, expanded edition (New York: Columbia University Press, 2005), 8.

prescriptive foundations. One may indeed ask: How does the public conception of morality, which no longer relies on any substantive moral foundation, account for the objective prescriptivity of morality? This doubt is carried to the extreme by J. L. Mackie's anti-realist claim that objective morality does not exist.⁷ To address the second objection, I will argue that a justificatory view of morality can maintain both its pluralistic grounding and its objective prescriptivity. In particular, I will focus on two justificatory approaches to morality developed by T. M. Scanlon, and more recently by Rainer Forst.⁸ Although both approaches defend the objective prescriptivity of morality through justification, Forst's approach makes the principle of justification itself a foundation of morality, which defeats the purpose of his ingenious attempt to offer a non-foundationalist theory. Scanlon's approach, on the other hand, understands morality by appealing only to a justificatory structure, which not only avoids the problematic foundationalist implications but also complements Rawls' political liberalism by capturing the essence of the public conception of morality.

After addressing these two questions, I will fully develop the public conception of morality and respond to the objection that adopting it simply flies in the face of Rawls' expressed intention behind his political turn, which is to move from Kantian constructivism in moral theory to political constructivism in political philosophy. My response is twofold. On the one hand, my formulation of the public conception of morality is consistent with Rawls' intention for his political turn. On the other hand, the public conception of morality supports the justificatory structure of the domain of the political, which is the focus of political constructivism, and it

⁷ J. L. Mackie, *Ethics: Inventing Right and Wrong* (London: Penguin Books, 1991).

⁸ T. M. Scanlon, *What We Owe to Each Other* (Cambridge: The Belknap Press of Harvard University Press, 1998). Rainer Forst, *The Rights to Justification*, trans. Jeffery Flynn (New York: Columbia University Press, 2012). Rainer Forst, *Justification and Critique: Towards a Critical Theory of Politics*, trans. Ciaran Cronin (Cambridge: Polity, 2013).

explains the source of legitimacy and authority of political actions. The public conception of morality thus both defines and defends the political conception of justice.

2.2. Rawls' Conception of Morality: A Puzzle

John Rawls makes what many refer to as the “political turn” with his *Political Liberalism*. The reason for the political turn is that in the earlier work, *A Theory of Justice*, “a moral doctrine of justice general in scope is not distinguished from a strictly political conception of justice,” and that a vision for a well-ordered society where all its citizens endorse the same conception of justice on the basis of a singular and comprehensive doctrine is “unrealistic,” given that modern democratic societies are characterized by “a pluralism of incompatible yet reasonable comprehensive doctrines.”⁹ Accordingly, the fundamental question political liberalism wishes to address is:

How is it possible that there may exist over time a stable and just society of free and equal citizens profoundly divided by reasonable though incompatible religious, philosophical, and moral doctrines? Put another way: How is it possible that deeply opposed though reasonable comprehensive doctrines may live together and all affirm the political conception of a constitutional regime?¹⁰

Given what Rawls calls “burdens of judgment” that make it extremely unlikely to politically resolve fundamental disagreements among reasonable comprehensive doctrines, the only sensible thing to do is to “apply the principle of toleration to philosophy itself: the public conception of justice is to be political, not metaphysical.”¹¹ In other words, Rawls shifts the task of political philosophy from the “search for moral truth interpreted as fixed by a prior and

⁹ John Rawls, introduction to *Political Liberalism*, Expanded edition (New York: Columbia University Press, 2005), xv-xvi.

¹⁰ *Ibid.*, xviii.

¹¹ John Rawls, “Justice as Fairness: Political not Metaphysical,” *Philosophy and Public Affairs* 14, No. 3 (Summer, 1985), 223.

independent order of objects and relations” to the “search for reasonable grounds for reaching agreement rooted in our conception of ourselves and in our relation to society.”¹² The specific solution is what Rawls calls the “overlapping consensus,” which is “a consensus in which a diversity of conflicting comprehensive doctrines endorse the same political conception,” each from its own point of view.¹³ The political conception, to use Rawls’ own terminology, works as a “module” that fits into and can be supported by a variety of reasonable comprehensive doctrines. The aim of political liberalism is thus a practical one: it formulates a political conception of justice that expresses citizens’ “shared and public political reason,” and it is at the same time “as far as possible, independent of the opposing and conflicting philosophical and religious doctrines that citizens affirm.”¹⁴ Since comprehensive religious, philosophical, and moral doctrines are left outside the domain of the political, Rawls suggests that we should start by looking at “the public culture itself as the shared fund of implicitly recognized basic ideas and principles.”¹⁵ For instance, the public political culture of a democratic constitutional society takes as its fundamental ideas that society is a fair system of cooperation over time, from one generation to the next, that citizens are free and equal persons, and that a well-ordered society is one that is effectively regulated by a political conception of justice.¹⁶

There are three features of a political conception of justice that is the focus of an overlapping consensus: first, “such a conception is, of course, a moral conception . . . worked out for a specific kind of subject, namely, for political, social, and economic institutions”; second, “it is presented as free-standing and expounded apart from, or without reference to, any such wider

¹² John Rawls, “Kantian Constructivism in Moral Theory,” *The Journal of Philosophy* 77, No. 9 (Sep. 9, 1980), 519.

¹³ John Rawls, “The Domain of the Political and Overlapping Consensus,” *Collected Papers*, ed. Samuel Freeman (Cambridge: Harvard University, 1999), 486.

¹⁴ John Rawls, *Political Liberalism*, Expanded edition (New York: Columbia University Press, 2005), 9.

¹⁵ *Ibid.*, 8.

¹⁶ *Ibid.*, 14.

background”; third, “its content is expressed in terms of certain fundamental ideas seen as implicit in the public political culture of a democratic society.”¹⁷ In a footnote, Rawls further comments that in saying that a conception is moral, he means “among other things, that its content is given by certain ideals, principles and standards; and that these norms articulate certain values, in this case political values.”¹⁸ Together, these remarks point to a puzzle regarding Rawls’ understanding of morality. Since Rawls is explaining what it means for a political conception of justice to be moral in the footnote, it is reasonable to interpret the statement to mean that the content of the political conception of justice is given by certain *moral* ideals, principles, and standards. But one cannot understand these ideals, principles, and standards to imply comprehensive moral doctrines. Moreover, it is almost certainly wrong to say that the political conception of justice is amoral or even immoral. So how should one reconcile Rawls’ remark that the political conception of justice is “of course” a moral conception with his explicit commitment to exclude comprehensive moral doctrines from the domain of the political? Besides the footnote, the only concrete clue we have from Rawls is his claim that “the distinction between political conceptions of justice and other moral conceptions is a matter of scope, that is, the range of subjects to which a conception applies, and the wider content a wider range requires.”¹⁹ It is clear that Rawls has in mind a broader conception of morality, and a narrower conception of political justice, which naturally follows given Rawls’ distinction between comprehensive doctrines and the limited political conception of justice. But this does not help us

¹⁷ Ibid., 11-13. These three features are repeated on Page 175: “first that it is a moral conception worked out for a specific subject, namely, the basic structure of a constitutional democratic regime; second, that accepting the political conception does not presuppose accepting any particular comprehensive religious, philosophical, or moral doctrine; rather, the political conception presents itself as a reasonable conception for the basic structure alone; and third, that it is not formulated in terms of any comprehensive doctrine but in terms of certain fundamental ideas viewed as latent in the public political culture of a democratic society.”

¹⁸ Ibid., 11, Footnote 11.

¹⁹ Ibid., 175.

understand what specific conception of morality Rawls has in mind.

If the political conception of justice is the focus of an overlapping consensus, which is reasonably justified and publicly endorsed among all citizens, and if the political conception of justice is also a moral conception, in that the latter supplies the former ideals, principles, and standards for political purposes, and if the distinction between political conceptions of justice and other moral conceptions is, as Rawls puts it, only “a matter of scope,” then it is reasonable to assume that the conception of morality Rawls has in mind bears two similar features: reasonable justification and public endorsement. By “reasonable justification” I mean that morality, like the political conception of justice, is not grounded on any particular foundation that supports comprehensive doctrines; instead, it is justified independent of them.²⁰ By “public endorsement” I mean that moral principles in the domain of morality are publicly known and respected by all reasonable citizens. They contribute to the shared public culture from which the political conception of justice draws its basic ideas and principles. I will call this the *public conception of morality*. On the one hand, the concept itself is not understood as grounded on any comprehensive foundations; instead, it serves as a justificatory structure to keep ideals, principles, and standards that are not reasonably justifiable outside the domain of morality and thereby outside the domain of the political. On the other hand, the content of the public

²⁰ This is reasonable justification, which will be distinguished from rational justification that does not necessarily take into consideration other equally rational justifications. In his reply to Habermas, Rawls distinguishes three levels of justification. The first level constitutes merely a *pro tanto* justification through the representational device of the Original Position, which may be overridden by citizens’ comprehensive doctrines. The second level constitutes the full justification, where citizens evaluate the *pro tanto* argument to see if they can endorse it given their comprehensive doctrines. If so, an overlapping consensus is produced, and the *pro tanto* argument can be seen as derived from, or congruent with, or at least not in conflict with citizens’ diverse but reasonable comprehensive doctrines. Finally, public justification obtains when all reasonable citizens have achieved full justification of the principles of justice, which are publicly known and respected. Thus, the political conception of justice is stable for the right reason, because each citizen is able to find within their own reasonable comprehensive doctrines the support needed to establish political consensus. For a recent attempt to revise the order of priority in Rawls’ theory of justification, see Jonathan Quong, *Liberalism Without Perfection* (Oxford: Oxford University Press, 2011). For a critical review of this attempt, see Gerald Gaus, “Sectarianism Without Perfection? Quong’s Political Liberalism,” *Philosophy and Public Issues* 2, No. 2 (Fall 2012): 7-15.

conception of morality consists of ideals, principles, and standards that are reasonably justified and publicly endorsed by all reasonable members of society, some of which, as Rawls suggests, will serve as basic ideas and principles of the political conception of justice.

Two questions immediately arise. First, *why* do we need the public conception of morality? In other words, what warrants the avoidance of grounding morality according to comprehensive moral doctrines? Second, *how* does the public conception of morality, without a substantive ground, account for the objective prescriptivity associated with our commonsense understanding of morality? In the next two sections, I will defend the public conception of morality by answering these two questions. Then, in the last section, I will fully develop the conception and draw some implications.

2.3. The Source of Moral Pluralism

One of the best places to find the answer to the first question is Søren Kierkegaard's *Either/Or*, because it casts doubt upon traditional foundationalist views of morality. In *Either/Or*, we are presented with a duality between the young man "A" who advocates the aesthetic way of life with essays addressed to an unspecified audience, and the Judge that advocates the ethical way of life with letters addressed to "A" so as to convince the latter to abandon aesthetic melancholy and commit to the ethical way of life.²¹ Between these two ways of life, how ought one to choose? What grounds our choice to be moral? According to Alastair MacIntyre, for a person confronting this choice, there is really no *reason* for her to adopt one rather than the other:

²¹ In this section, I will use "the ethical" and "the moral" interchangeably, primarily because both Kierkegaard and Davenport used them interchangeably. However, as we shall see in the end of the chapter, morality is to be distinguished from ethics in that the former involves reasonable justification whereas the latter involves only rational justification.

Suppose that someone confronts the choice between them having as yet embraced neither. He can be offered no reason for preferring one to the other. For if a given reason offers support for the ethical way of life . . . the person who has not yet embraced either the ethical or the aesthetic still has to choose whether or not to treat this reason as having any force . . . He still has to choose his first principles, and just because they are first principles, prior to any others in the chain of reasoning, no more ultimate reason can be adduced to support them.²²

For an individual choosing whether her life shall be guided by the aesthetic or the ethical, the choice cannot be a rational one in either case, since it is itself the choice of what will count for the agent as a reason. Let's call this *argument from rational choice*. MacIntyre also puts the problem in terms of authority. The ethical, according to MacIntyre, "is presented as that realm in which principles have authority over us independently of our attributes, preferences and feelings."²³ But the question is: "whence does the ethical derive this kind of authority?"²⁴ Since "A" does not have any reason to prefer the ethical over the aesthetic, it is difficult to imagine how the ethical is to have any authority on "A", which means that he is free to abandon the ethical view anytime he wishes. Let's call this *argument from authority*. Thus, MacIntyre reaches the controversial conclusion that the choice to be ethical must be an arbitrary one.

MacIntyre's interpretation invited criticisms from all fronts. It is widely shared among Kierkegaard scholars that MacIntyre's interpretation of *Either/Or* as embodying a criterionless choice is inaccurate and does not do justice to Kierkegaard's larger philosophical project.²⁵ For instance, John Davenport argues that what is at stake in the choice between the aesthetic and the ethical is not what will effectively count as reason for "A"; instead, it is primarily about the possibility for "A" to develop what Davenport calls "volitional conditions" sufficient enough to

²² Alasdair MacIntyre, *After Virtue: A Study in Moral Theory*, 3rd Ed (Notre Dame: University of Notre Dame Press, 2007), 40.

²³ Ibid., 41.

²⁴ Ibid., 42.

²⁵ See John Davenport and Anthony Rudd (eds.), *Kierkegaard After MacIntyre: Essays on Freedom, Narrative, and Virtue* (Chicago: Open Court, 2001).

motivate “A” to choose moral principles whose authority the latter is already cognitively aware.²⁶ Drawing from the distinction developed by Harry Frankfurt between first-order desires and second-order volitions, Davenport argues that the choice between the aesthetic and the ethical perspectives is in fact “the choice *either* to be wanton, *or* to become a ‘person’ in the full Frankfurtian sense.”²⁷ MacIntyre thus reaches the wrong conclusion, because “Kierkegaard’s Judge holds that having a *self*, or being a person capable of moral responsibility, depends primarily on a specific sort of intrapersonal volitional relation.”²⁸ As for “A”, Davenport compares him to

someone who knows the rules of the road, but never drives. When that someone nervously decides to take the driver’s seat for the first time, of course they do not think of this decision as creating whatever authority they recognize in the traffic laws. The authority is recognized antecedently to the choices that make it action-guiding for the individual. Similarly, the person who makes the primordial choice to begin forming volitional identifications is not grounding the normative force of moral precepts or ideals governing agent-commitments; rather, she is giving these precepts *subjective* application within her own will, or giving them personal relevance.²⁹

However, Davenport’s criticism does not succeed, because, even if his characterization of the

²⁶ This is one of the three arguments Davenport developed in response to MacIntyre. For the other two arguments, see John Davenport, “The Meaning of Kierkegaard’s Choice Between the Aesthetic and the Ethical: A Response to MacIntyre,” *Kierkegaard After MacIntyre: Essays on Freedom, Narrative, and Virtue*, eds. John Davenport and Anthony Rudd (Chicago: Open Court, 2001), 75-112. For treatment of the other two arguments, see Ian Duckles, “Kierkegaard’s Irrationalism: A Response to Davenport and Rudd,” *Southwest Philosophy Review* 21, No. 2 (2005): 37-51.

²⁷ According to Frankfurt, besides wanting and choosing and being moved to do this or that, “men may also want to have (or not to have) certain desires and motives” according to some principles or standards that are not reducible to these desires and motives. This higher level will to go through or refrain from going through our basic desires and motives are referred to by Frankfurt as second-order desires or second-order volitions.²⁷ Based on this distinction, Frankfurt introduces the idea of a wanton addict. Unlike an unwilling addict who has conflicting first-order desires but also has volition of the second order that prevents him from being neutral regarding his first-order desires, a wanton “does not prefer that one of this conflicting desires should be paramount over the other; he does not prefer that one first-order desire rather than the other should constitute his will.” In other words, the identity of the unwilling addict is defined by his second-order volition, whereas the identity of the wanton addict is defined by his lack thereof. For Frankfurt, a person who possesses a complete structure of the will must display both first-order desires and second-order volitions. Harry Frankfurt, “Freedom of the Will and the Concept of A Person,” *The Inner Citadel: Essays on Individual Autonomy*, ed. John Christman (Oxford: Oxford University Press, 1989), 63-76.

²⁸ *Ibid.*, 87.

²⁹ *Ibid.*, 88.

primordial choice is accurate, it addresses only MacIntyre's argument from rational choice. Davenport fails to explain why "A", like someone who drives for the first time, would accept and abide by the rules of the road in the first place.³⁰ This is MacIntyre's argument from authority, which Davenport fails to fully address. The argument from authority poses a substantial question: Why be moral? According to Rainer Forst's Kantian view of moral foundation:

the one who poses the question 'Why be moral?' in a principled way not only does not stand on the ground of morality, but in trying to answer this question cannot succeed in getting there. The meaning of this question, if it has any at all, lies in showing how nonsensical it is since it asks for a kind of reason that cannot ground the moral point of view. The reason that can be given show, in one way or another, what interests or needs or ethical ideals of the one asking the question are satisfied or realized by morality. But precisely these reasons cannot be decisive . . . since they only allow taking a *hypothetical* perspective on morality (depending upon whether the necessary satisfaction of interests or realization of values is available), and thereby fell short. To put it bluntly, simplifying somewhat, whoever asks this question is not taking up the moral point of view, and whoever takes it up sees the absurdity of the question.³¹

For a Kantian who endorses the unconditional grounding of morality, all that is required of her is to be volitionally ready—there is even no room for any third-order recognition of the primordial choice, because there is no alternative to being moral. However, for someone who does not favor the Kantian grounding of morality, say people from MacIntyre's father's disillusioned generation, the process of recognizing the foundation of morality and identifying with moral demands on the second-order level is required.³² Of course they can still choose to be moral by

³⁰ MacIntyre does offer another explanation. The reason why an agent wishes to remain wanton despite fulfilling conditions (a) and (b) is because the aesthetic can indeed be chosen seriously: "I think of those young men of my father's generation who watched their own earlier ethical principles die along with the death of their friends in the trenches in the mass murder of Ypres and the Somme, and who returned determined that nothing was ever going to matter to them again." Alasdair MacIntyre, *After Virtue: A Study in Moral Theory*, 3rd Ed (Notre Dame: University of Notre Dame Press, 2007), 41.

³¹ Rainer Forst, *The Rights to Justification*, trans., Jeffery Flynn (New York: Columbia University Press, 2012), 33.

³² In *After Virtue*, MacIntyre argues that perhaps the aesthetic can indeed be taken seriously by such people as "those young men of my father's generation who watched their own earlier ethical principles die along with the deaths of their friends in the trenches in the mass murder of Ypres and the Somme; and who returned determined that nothing was ever going to matter to them again and invented the aesthetic triviality of the nineteen- twenties." These aesthetic people are also likely to reject Kantian morality because of its strong foundationalism.

following tradition, for strategic reasons to cooperate with other people, or even because of the rational calculation to avoid despair and pain. But none of these reasons, according to Kantian moral philosophy, qualifies the person as truly moral.³³ Moreover, Christianity and many religious traditions ground the choice to be moral on something above the ethical perspective, and the source of moral authority lies not in this world but in God and the beyond.³⁴ Finally, sciences unavailable to Kierkegaard and Kant have recently proposed even more novel grounds for morality. Moral principles we take for granted are now said to be reducible to evolutionary advantages and neurobiological processes.³⁵ So now we have at least four types of moral foundations: the unconditional, the rational, the religious, and the scientific. It will be remembered that for the Judge in *Either/Or*, as well as for the majority of us, morality “amounts to a standpoint of universality” in that “the ethical individual tries to will in such a way that her willing is absolutely valid for all people at all times who are faced with similar circumstances.”³⁶ The unconditional, the rational, the religious, and the scientific views of morality all claim to offer the true grounding of morality, they all support full-fledged comprehensive moral

³³ This point is captured by the Prichard’s dilemma that says that morality cannot be justified. On the one hand, it is circular to appeal to anything moral to justify morality, like saying “you ought to do this because it is moral.” On the other hand, it defeats the whole purpose of justifying morality if one appeals to anything other than morality, such as utility and other goods, because a person ceases to be moral if something other than morality actually motivates her. The same Kantian point can also be expressed by making references to Bernard Williams’ article “Internal and External Reasons,” where unless the moral standpoint is already part of the supposedly amoral agent’s “subjective motivational set,” she cannot be said to be motivated by the right reason to be moral; but if she is already subjectively and motivationally moral, it is no longer necessary to persuade her to be moral. See Bernard Williams, “Internal and External Reasons,” *Moral Luck: Philosophical Essays 1973-1980* (Cambridge: Cambridge University Press, 1982), 101-113.

³⁴ See Kierkegaard’s own work, *Fear and Trembling* for instance.

³⁵ See Jonathan Haidt, *The Righteous Mind: Why Good People Are Divided by Politics and Religions* (New York: Vintage, 2013); Joshua Greene, “The Secret Joke of Kant’s Soul,” *Moral Psychology, Vol. 3: The Neuroscience of Morality: Emotion, Disease, and Development*, ed. Walter Sinnott-Armstrong (Cambridge: MIT Press, 2007); Joshua Greene, *Moral Tribes: Emotion, Reason, and the Gap Between Us and Them* (New York: Penguin Books, 2014); Sharon Street, “A Darwinian Dilemma for Realist Theories of Value,” *Philosophical Studies* 127 (2006), 109-66; Dennis L. Krebs, *The Origins of Morality: An Evolutionary Account* (Oxford: Oxford University Press, 2011); Robert Trivers, “Reciprocal Altruism,” *Natural Selection and Social Theory: Selected Papers of Robert Trivers* (Oxford: Oxford University Press, 2002).

³⁶ Ian Duckles, “A (Partial) Defense of MacIntyre’s Reading of Kierkegaard,” *Idealistic Studies* 36, No. 2 (2006): 143.

doctrines, and they each criticize others to be supplying the wrong reasons to be moral. Facing a plurality of reasonable moral foundations, what criterion does an agent have to choose among them?³⁷ For someone like “A” in *Either/Or*, even if she tacitly recognizes the significance of the primordial choice and is volitionally ready to make the choice, she still needs to answer the question “why be moral” on the second-order level before her activities become fully meaningful on the first-order level. Even if all roads indeed lead to Rome, we still need to address the reason why we choose this road and not others. Following this line of thought, MacIntyre’s reading of *Either/Or* is further developed to demonstrate (beyond his original intention of course) the criterionlessness of choosing the foundation of morality.

Because of the lack of criterion to choose among a plurality of moral foundations, traditional approaches to morality whose strength is contingent upon the exclusive power and truth of their foundations are rejected by political liberalism to serve as the source for its political conception of justice. Moreover, since Rawls says repeatedly that the political conception of justice is still a moral conception, the public conception of morality needs to be non-foundationalist. But one might wonder if the public conception of morality is still properly speaking morality, since it no longer stands on any substantive ground. For instance, how can the public conception of morality explain the objective prescriptivity of morality that is usually derived from its foundation? Is the public conception of morality not powerless due to its groundlessness? In the next section, I will show that a justificatory view of morality, which is at the heart of the public conception of morality, can still maintain its objective prescriptivity.

³⁷ A version of this criterionlessness is discussed by Charles Taylor in his account of the rise of the “immanent frame,” through which a believer experiences her faith as one among many options, none of which can be seen as having a privileged position in society. Charles Taylor, *A Secular Age* (Cambridge: Harvard University Press, 2007), 539-593. Also see Alessandro Ferrara, *The Democratic Horizon: Hyperpluralism and the Renewal of Political Liberalism* (Cambridge: Cambridge University Press, 2014), 69-70. Ulrich Preuß recently argues that law works as a source of pluralism, in that it facilitates the development of moral and religious pluralism. See Ulrich Preuß, “Law as a Source of Pluralism,” *Philosophy & Social Criticism* 41, No. 4-5 (2015): 357-365.

2.4. The Objective Prescriptivity of Morality

If there is a plurality of moral foundations supporting a plurality of comprehensive moral doctrines, which seem to question the validity of each other, then how can we still account for the sense of objectivity and prescriptivity that we usually associate with morality? This question is shared by J. L. Mackie on a meta-ethical level through his arguments for an error theory of morality. Mackie's controversial answer is that we cannot, and that there are in fact no objective values. In this section, I will show that morality maintains its objectivity in a justificatory rather than ontological sense. Then I will distinguish between two justificatory approaches to morality by Rainer Forst and T. M. Scanlon, and conclude by demonstrating that only Scanlon's truly non-foundationalist approach meets the challenge presented in the previous section.

2.4.1. Two Senses of Objectivity

Mackie offers two arguments for his controversial conclusion. Since there is clear "variation in moral codes from one society to another and from one period to another, and also the differences in moral beliefs between different groups and classes within a complex community," the best explanation of moral diversity is the nonexistence of objective moral values.³⁸ This is Mackie's first argument from relativity. Mackie's second argument is that there is a sense of queerness in our understanding of morality as objective and prescriptive. Richard Garner argues convincingly that the queerness of morality has to do with the force of morality—

³⁸ Moreover, according to Mackie, the reason why we think that there is objective value is partly because we adopt a backward causal connection. For instance, "it is that people approve of monogamy because they participate in a monogamous way of life rather than that they participate in monogamous way of life because they approve of monogamy." The correct causal relation will show that different ways of life determine different moral codes, which undermines the objective status of morality. J. L. Mackie, *Ethics: Inventing Right and Wrong* (London: Penguin Books, 1990), 36.

its queer objective prescriptivity or the “must-be-doneness.”³⁹ Garner sums up the queerness in two concise propositions: “If moral facts were neutral, then moral judgments would be *objective without being prescriptive* . . . If, on the other hand, moral facts derive their value from subjective sources, then the commands of morality would be *prescriptive without being objective*.”⁴⁰ Although our ordinary use of moral concepts requires the presence of both objectivity and prescriptivity, it is hard to believe in objective prescriptivity because “it is hard to make sense of a demand without a demander.”⁴¹ Compared with other objective properties, Mackie thinks that it is only queer that morality is so different. Mackie’s two arguments show us the heart of the problem with morality in modernity: how can we accept the fact that there is a plurality of moral foundations and still maintain the objective prescriptivity of morality? In order to answer this question, we must first counter Mackie’s arguments. Since the argument from queerness is more challenging and also the more relevant one to our discussion, I will limit my response to it by drawing a distinction between two types of objectivity.

Mackie’s argument from queerness includes both a metaphysical part which says that objective values would have to be “entities or qualities or relations of a very strange sort, utterly different from anything else in the universe,” and an epistemological part which says that our awareness of these queer qualities “would have to be by some special faculty of moral perception or intuition, utterly different from our ordinary ways of knowing everything else.”⁴² However,

³⁹ Richard Garner, “On the Genuine Queerness of Moral Properties and Facts,” *Arguing About Metaethics*, ed. Andrew Fisher and Simon Kirchin (New York: Routledge, 2006), 98. Mackie’s argument from queerness is sometimes misrepresented. For instance, David Brink’s criticism of Mackie focuses on problems of motivation and internalism, and he argues that moral realism can be maintained through what he calls a “functionalist theory of moral values” on the basis of a kind of externalism. Motivation is important for Mackie, yet it is not what Mackie primarily means by the term “queerness.” See David Brink, “Moral Realism and Sceptical Arguments from Disagreement and Queerness,” *Arguing About Metaethics*, ed. Andrew Fisher and Simon Kirchin (New York: Routledge, 2006), 84.

⁴⁰ *Ibid.*, 98.

⁴¹ *Ibid.*, 102.

⁴² J. L. Mackie, *Ethics: Inventing Right and Wrong* (London: Penguin Books, 1990), 38.

morality can be said to be objective in two ways. The strong view of moral objectivity rests on its ontological focus by making references to naturalistic or metaphysical entities and manifests the independent truth of those entities. Let's call this ontological objectivity. The weak view of moral objectivity instead depends on the justificatory dimension of morality. Morality can also be objective because it is reasonably justified to all. Let's call this justificatory objectivity. The criterionlessness regarding the foundation of morality makes it clear that morality can no longer be objective in an ontological sense, and Mackie is correct to argue that morality is not objective *ontologically*. However, if we can defend justificatory objectivity against the argument from queerness, morality can still maintain its objectivity and authority.

According to Rainer Forst, justification is behind everything.⁴³ A variety of definitions of human beings, such as *animal rationale* and *animal sociale*, essentially characterize humans as justifying and reason-giving beings.⁴⁴ T. M. Scanlon shares a similar view. The essence of Scanlon's contractualist moral theory is famously summarized in his principle: "An act is wrong if its performance under the circumstances would be disallowed by any set of principles for the general regulation of behavior that no one could reasonably reject as a basis for informed, unforced general agreement."⁴⁵ This principle neither makes reference to the ontological and epistemological aspect of moral reality, nor does it appeal to any metaphysical truth. Instead, "the contractualist ideal of acting in accord with principles that others (similarly motivated) could not reasonably reject is meant to characterize the relation with others the value and appeal

⁴³ Rainer Forst, *The Right to Justification: Elements of a Constructivist Theory of Justice*, trans. Jeffery Flynn (New York: Columbia University Press, 2011), 1.

⁴⁴ *Gründe*, the German word for reason, implies that reasons establish a supportive ground (*Grund*), which point Forst takes to mean that the ground created by reasons "must therefore be a shared, common basis for justified, well-founded thought and action." Ibid., 13.

⁴⁵ T. M. Scanlon, *What We Owe to Each Other* (Cambridge: The Belknap Press of Harvard University Press, 1998), 153.

of which underlies our reasons to do what morality requires.”⁴⁶ In other words, the objective basis of morality need not rest on naturalistic or metaphysical entities. Instead, it can be normatively constructed through mutually justificatory relations.

It will be remembered that the source of the queerness of morality is its objective prescriptivity. Once we adopt justificatory objectivity, this sense of queerness disappears. On the one hand, morality is objective. As for the epistemological part of the argument, one might respond that moral objectivity need not lie in its “external” reality as ontological objectivity suggests; instead, morality is objective because moral demands can be reasonably, that is, reciprocally and generally justified to all. As for the metaphysical part of the argument, one might similarly respond that moral reasons are “independently” valid regardless of the agent’s subjective motives, and they are reasons for all without their corresponding to a transcendent reality that must be “discovered” with special faculties.⁴⁷ On the other hand, morality is prescriptive in virtue of its justificatory objectivity. Moral demands are “subjective” only insofar as that it is “I” who demands it. Moral demands are equally “objective,” because these demands must first pass the test of reasonable justification in order to be “moral.” To ask for an answer to the question of “what ought I to do” is also to demand a justification for the answer, and moral questions are “answered only with strictly shared reasons; they are ‘objective’ insofar as they cannot be reasonably (reciprocally or generally) rejected.”⁴⁸ Therefore, even though it is “I” who utters the moral demand, it is really the justifying and hence the objective “we” that give this demand its prescriptive power. Being reasonably justified excludes any *moral* reasons for an

⁴⁶ Ibid., 162.

⁴⁷ Ibid. It will become clear in the next section that people do not necessarily have to give the same reason for a moral principle to be reasonably justified.

⁴⁸ Rainer Forst, *Context of Justice*, trans. John M. M. Farrell (Berkeley and Los Angeles: University of California Press, 2002), 244.

agent not to follow the demand, because so doing will be against her justifying and reason-demanding human nature (according to Forst) and will exclude herself from the cooperative relation (according to Scanlon).⁴⁹ A justificatory view thus maintains the objective prescriptivity of morality. Once we adopt justificatory objectivity, the sense of queerness disappears and one does not have to accept Mackie's overall conclusion that there are no objective values.

2.4.2. Two Types of Justification

Both Forst and Scanlon agree that the only answer to moral questions must be a justified one, and that the objective prescriptivity of morality follows from its justificatory basis. Yet their approaches diverge when it comes to how the criterion of justification is derived and whether or not justification should play a foundational role. These differences are especially important because previous discussions have demonstrated that a viable conception of morality in political liberalism must *not* insist on an absolute foundation. In this section, I will argue that Forst's view of justification is foundationalist in essence, since it still requires a fundamental consensus among people, whereas Scanlon's view is non-foundationalist by design, because it has a thorough focus on dissensus. Although both are promising approaches to maintain the objective status of morality, Scanlon's approach better accommodates moral pluralism, which meets the demand of the public conception of morality.

In *The Right to Justification*, Rainer Forst offers a reconstructed Kantian theory of normativity. Forst accepts both the general and reciprocal nature of morality as formulated by Kant, but he also admits that Kant grounded his conception of morality on an utterly implausible theory of normativity, in that as practical and rational persons we have a mysterious "absolute

⁴⁹ One might of course have amoral reasons not to be moved by a moral demand.

‘must’ rammed into us,” which contradicts the autonomy of morality.⁵⁰ Instead of abandoning the notion of unconditionally binding norms, Forst tries to make it intelligible. According to Forst, this reason-giving and reason-demanding property of human beings is a good candidate to ground something as general and reciprocal as Kantian morality without resorting to a metaphysical “must.” The approach is therefore to regard justification, rather than a mysterious “absolute ‘must’” as the most fundamental nature of a moral being, and the right and duty to justification as the most fundamental moral right and demand. On the basis of a general and reciprocal understanding of justification, Forst argues that morality will maintain its unconditional status without implying an implausibly metaphysical foundation. But what concerns thinkers like Ernst Tugendhat is not only *that* morality is grounded but also *how* it is grounded, and many argue that if Kantian morality cannot be rationally grounded, it should be abandoned. To overcome this criticism, Forst distinguishes between rational grounding and reasonable justification. Rational grounding needs to appeal only to a person’s “enlightened self-interest” without considering whether others will accept the validity of answer or treat it as good reason. Reasonable justification, on the other hand, requires both validity and intersubjective acceptance. With this important distinction drawn, it seems that Forst is ready to address the plurality of reasonable moral foundations. However, following Kant, Forst claims that “a categorical and unconditionally valid morality cannot stand on an instrumentally or ethically hypothetical foundation. It requires an unconditional ground.”⁵¹ If a moral demand is right, it must mean that the (right) reason for this demand is similarly shared by all moral agents, which gives the demand its objective prescriptivity. Instead of a metaphysical “must,” Forst attributes

⁵⁰ As one of the anonymous reviewers correctly pointed out, one need not be a die-hard Kantian to reject these descriptions. Rainer Forst, *The Right to Justification: Elements of a Constructivist Theory of Justice*, trans. Jeffery Flynn (New York: Columbia University Press, 2011), 43.

⁵¹ *Ibid.*, 34.

this unconditional grounding to the simple *fact* of “being human.”⁵² The recognition of a moral “ought” is part of our nature as justifying, reason-giving, and reason-deserving beings. In other words, morality is objective because human beings fundamentally share a reason for morality that is also part of our justificatory nature. Although Forst admits that there may be a plurality of sources to normativity in general, “such a plurality of sources does not exist in the case of morality—that is, with regards to what human beings ‘owe’ to each other as human beings.”⁵³ Thus, morality is uniquely and unconditionally grounded in *our justificatory human nature*, on the basis of which people have *the right to justification*, and *only norms that are reciprocally and generally justified are acceptable*. This threefold truth, according to Forst, is a *fundamentum inconcussum*.⁵⁴

Forst’s view of justification as the unconditionally true foundation of morality conflicts with our previous discussion of moral pluralism. Moral agents who do not share this unconditional grounding of morality but instead see themselves as motivated to act morally because of their religiously sinful nature will not find this account persuasive, and neither will moral agents who subscribe to other philosophical accounts of morality, such as those who ground morality on an utilitarian foundation, because against the background of moral pluralism, Forst’s moral foundation is in no unique position to dismiss other foundations. Forst recently further developed his theory of justification to support what he calls a “critical theory of politics” on the basis of this foundationalist view of justification.⁵⁵ Motivated by the same worry of

⁵² To demonstrate this point, Forst accepts the Kantian formulation of duty and further develops it by combining cognition with recognition. According to Forst, “the moral person does not first see a human being and then, on the basis of further consideration, come to the conclusion that the other is a moral person. Rather, cognition and recognition are here so interwoven that an ‘evaluative perception’ takes place.” This “evaluative perception” is the knowledge and mutual recognition of a moral authority that Kant would label as respect. Ibid., 59-61.

⁵³ Ibid., 44.

⁵⁴ Ibid., 5.

⁵⁵ See Rainer Forst, *Justification and Critique: Towards a Critical Theory of Politics*, trans. Ciaran Cronin (Polity Press, 2013).

Forst's foundationalist approach, Stephen White asks: "Why does Forst feel compelled to attach his project of a specifically critical theory to such an absolutist perspective?"⁵⁶ White argues that neither of the two reasons Forst gives—first, critical theory has a need for the sort of foundationalism he offers, and second, deontological theory requires a strong moral foundation of right and duty of justification—is convincing.⁵⁷ Forst responds that he indeed wishes to be "non-foundationalist—in fact anti-foundationalist—but in a well-grounded way."⁵⁸ His approach does not live up to his ambition, however, when he replaces the foundation of morality and politics with the justifying human nature and principles of justification. The fact that Forst can account for the Kantian "mysterious must" without resorting to the metaphysical world of noumenon does not mean that his version of moral foundation is not at all controversial among a plurality of reasonable moral foundations. Contrary to Forst's intention, he cannot have the cake and eat it too. The implication is clear: Forst's absolutist approach to morality, despite its capacity to address a plurality of phenomenon and its seeming focus on dissensus, nevertheless relies on a monist foundation and requires a foundational consensus that go against the pluralistic spirit of modernity.⁵⁹ As Alessandro Ferrara puts it, "If we value pluralism, then we must honor pluralistic intuitions *all across the board*, consistently."⁶⁰ This means that we must begin with pluralism, rather than trying to catch up with it on monist grounds.

⁵⁶ Stephen White, "Does Critical Theory Need Strong Foundations?" *Philosophy & Social Criticism* 41, No. 3 (2015): 208.

⁵⁷ *Ibid.*: 209-210.

⁵⁸ Rainer Forst, "A Critical Theory of Politics: Grounds, Method and Aims. Reply to Simone Chambers, Stephen White and Lea Ypi," *Philosophy & Social Criticism* 41, No. 3 (2015): 227.

⁵⁹ Forst's political philosophy based on the foundationalist reliance on the principle of justification is designed to be critical in that people who disagree with existing normative or political orders should be duly counted as a voice demanding justification. In this sense, White is correct to point out that Forst's critical theory of politics departs from Habermas' consensual focus to the phenomenon of dissensus. But this does not mean that the foundation of Forst's theory is dissensus-based. To the contrary, Forst only makes room for the right reason to be moral, around which people, in virtue of being a justificatory being, necessarily forms a consensus. See Stephen White, "Does Critical Theory Need Strong Foundations?" *Philosophy & Social Criticism* 41, No. 3 (2015): 208.

⁶⁰ Alessandro Ferrara, "Democracies in the Plural: A Typology of Democratic Cultures," *Philosophy & Social Criticism* 41, No. 4-5 (2015): 393.

Scanlon's view of justification, on the other hand, avoids this problem. Unlike Forst's consensus theory in disguise, Scanlon's view has a dissensus focus through and through. The essence of Scanlon's moral theory is summarized in his principle: "An act is wrong if its performance under the circumstances would be disallowed by any set of principles for the general regulation of behavior that no one could reasonably reject as a basis for informed, unforced general agreement."⁶¹ Contrary to Forst's requirement that the right reason must be accepted by moral agents as a shared justificatory ground for morality, Scanlon's model regards an act as justified not necessarily because people share the same reason but because they do not find other people's reasons rejectable, which presupposes an inclusive basis to accommodate different reasons to be moral. In addition, Forst and Scanlon define reasonableness, their key criterion for justification, in two different ways. Forst defines reasonableness as reciprocity and generality. However, both components are essentially derived from a Kantian foundation that does not necessarily speak to a pluralistic audience. Although Scanlon does not define reasonableness as clearly as Forst, he nonetheless argues that he uses the term to highlight *only* "the desire to find principles which others similarly motivated could not reasonably reject."⁶² People might have different reasons to endorse the same moral principle, which can still be justified so long as their reasons are not rejectable by other people who share the same reasonable desire to justify the principle. For instance, murdering an innocent person remains wrong despite the fact that people with different ethical views might have different (unconditional, rational, religious, or scientific) reasons to reject the act of murder.⁶³ Following

⁶¹ T. M. Scanlon, *What We Owe to Each Other* (Cambridge: The Belknap Press of Harvard University Press, 1998), 153.

⁶² T. M. Scanlon, "Contractualism and Utilitarianism," *The Difficulty of Tolerance* (Cambridge: Cambridge University Press, 2003), 138, Footnote 11.

⁶³ A skeptic might wonder if we are ever going to agree on anything moral according to the justificatory view of morality. To answer this question will point our discussion to a different direction, but I *do* wish to point out that moral overlapping consensus is indeed possible following this justificatory approach. In order to pass moral

Scanlon, moral objectivity replaces its epistemological task with a practical one, which point is shared by Rawls when he makes the political turn and shows that Scanlon's justificatory view of morality indeed complements Rawls' project of political liberalism, to which point we shall return later.

2.5. Toward A Public Conception of Morality

The guiding question of this chapter is how to understand Rawls' conception of morality in the domain of the political, given his seemingly contradictory remarks that the political is a moral conception and that we should avoid comprehensive moral doctrines in the domain of the political. In order to address this problem, I proposed the public conception of morality, which invited two questions. First, what justifies the deep sense of moral pluralism that warrants the avoidance of comprehensive moral doctrines? Second, how can a justificatory view of morality account for the apparent objective, authoritative, and reason-giving characteristics of morality? In response to the first question, we know that a non-foundationalist view of morality is necessary given reasonable moral pluralism. In response to the second question, we know that a non-foundationalist view of morality needs to be structurally justificatory. Now we are in a good position to return to our hypothesis and clarify the details of the public conception of morality.

judgment, we must have some kind of shared moral background, which warrants, at least in theory, an agreement on certain moral values. Charles Larmore's political liberalism, based on his understanding of reasonable disagreements, also favors "a [thin] core morality that reasonable people can accept despite their natural tendency to disagree about comprehensive visions of the nature of value," which not only grounds political principles but also have concrete moral content. More substantially, we find in Martha Nussbaum's capabilities approach a tentative list of capabilities that belong to what she calls a "moral core," which according to Nussbaum is shared by people in different cultures, genders, and countries with different economic statuses. The important thing to note is that such a moral overlapping consensus must not presuppose a singular and uniquely true foundation of morality. See Charles Larmore, "Pluralism and Reasonable Disagreement," *Social Philosophy and Policy* 11, No. 1 (Winter, 1994): 74, 78. John Kekes makes a similar point when he argues that pluralists need not be committed to denying that morality makes some claims equally binding on all moral agents, and that human nature suggests the existence of "the minimum content of morality." See John Kekes, "Pluralism and Conflict in Morality," *The Journal of Value Inquiry* 26 (1992): 38.

The realization that morality has a plurality of reasonable foundations leads to a clear contrast between a foundationalist view and a structural view of morality. The latter, when situated in shared public culture of a democratic society, is what I refer to as the public conception of morality. Morality of course refers to the domain of ideals, principles, and standards concerning the distinction between right and wrong. But the public conception of morality has two additional qualifications: 1) it is devoid of the traditionally ontological character of morality, meaning that the objective prescriptivity of morality no longer hinges upon the independent truth regarding the foundation of morality but on its possibility of being reasonably justified; 2) its objective prescriptivity is justificatory only in structure, meaning that the principle of reasonable justification cannot itself play a foundationalist role. The public conception of morality therefore serves as a filter through which reasonably justified ideals, principles, and standards enter into the shared public culture from which the political conception of justice draws its basic ideas and principles. When Rawls says that the political conception of justice is a moral conception, he means “among other things, that its content is given by certain ideals, principles and standards; and that these norms articulate certain values, in this case political values.”⁶⁴ It is clear now that these “ideals, principles and standards” are reasonably justified and publicly endorsed moral ideals, principles, and standards that can serve a variety of purposes: giving meaning to people’s lives, actively guiding people’s behavior, setting limits to what the state can do, and so on. In the case of political conception of justice, they serve the particular purpose of expressing political values for the limited focus of the basic structure of a well-ordered society. In Rawls’ own words, “the distinction between political conceptions of justice and other moral conceptions is a matter of scope, that is, the range of subjects to which a

⁶⁴ John Rawls, *Political Liberalism*, Expanded Edition (New York: Columbia University Press, 2005), 11, Footnote 11.

conception applies, and the wider content a wider range requires.”⁶⁵ The political conception of justice thus covers a narrower domain of subjects than the public conception of morality, but the former nonetheless shares the justificatory structure of the latter by virtue of being part of the shared public culture.⁶⁶

However, this interpretation of Rawls is likely to invite the objection that adopting the public conception of morality simply flies in the face of Rawls’ expressed intention behind his political turn, which is to move from Kantian constructivism in moral theory to political constructivism in political philosophy. My response is twofold. First, the formulation of the public conception of morality is consistent with Rawls’ intention for the political turn as well as his later view of justification and objectivity. Second, the conception supports the justificatory structure of the domain of the political, which is the focus of political constructivism, and it explains the source of legitimacy and authority of political actions. The public conception of morality thus both defines and defends the political conception of justice.

As for the first point, although radical choice plays no role for parties in the original position and citizens in the model-conception of a well-ordered society, it nevertheless presents one of the most challenging tasks for political philosophers discussing and selecting public conception of justice.⁶⁷ The criterionlessness to select the *true* foundation of morality and justice captured by Kierkegaard and MacIntyre is manifested by the fact of “diversity of reasonable

⁶⁵ Ibid., 175. Nussbaum, who advocates a different version of political liberalism, similarly argues that political liberalism “is intended as the moral core of a specifically political conception.” Martha Nussbaum, *Women and Human Development: The Capabilities Approach* (New York: Cambridge University Press, 2001), 105.

⁶⁶ Jonathan Quong expresses a similar understanding when he says that “a political conception can still be a *moral* conception, it simply cannot be a moral conception that makes perfectionist or metaphysical claims.” Jonathan Quong, *Liberalism without Perfectionism* (Oxford: Oxford University Press, 2011), 14. Emphasis mine.

⁶⁷ Rawls distinguishes these three points of view in his discussions of the original position: the point of view “of the parties in the original position, that of the citizens in a well-ordered society, and that of you and me who are examining justice as fairness to serve as a basis for a conception that may yield a suitable understanding of freedom and equality.” John Rawls, “Kantian Constructivism in Moral Theory,” *The Journal of Philosophy* 77, No. 9 (Sep. 9, 1980), 567.

comprehensive religious, philosophical, and moral doctrines,” which, according to Rawls, is “not a mere historical condition that may soon pass away; it is a permanent feature of the public culture of democracy.”⁶⁸ This permanent feature calls for new ways of understanding a series of conceptions used in traditional theories of morality to address pluralism and its wide-ranging implications. Morality needs to be reformulated in order to meet the demand of modern justice. The public conception of morality, with its capacity for pluralism and intentional avoidance of foundationalism, shifts the focus of morality from truth to reasonableness, which meets the demand of Rawls’ political turn.

Nevertheless, this does not mean that the public conception of morality is simply applied moral theory for political purposes. In “Justice as Fairness: Political not Metaphysical,” Rawls argues that “justice as fairness is not intended as the application of a general moral conception to the basic structure of society, as if this structure were simply another case to which that general moral conception is applied.”⁶⁹ The same can be said about the public conception of morality. It is not a full-fledged moral theory in the traditional sense, because it is neither foundationalist in essence nor comprehensive in scope. Instead, it is non-foundationalist and pluralistic. The source of its prescriptive objectivity comes not from the truth of its grounding but from its reasonable justificatory structure. Rawls holds a similar view of justification and objectivity when he argues that from the perspective of political constructivism objectivity should be “understood by reference to a suitably constructed social point of view.”⁷⁰ This social point of view regulates the basic structure of society, and it is “publicly shared” and “accepted by [citizens in a well-ordered

⁶⁸ John Rawls, *Political Liberalism*, Expanded Edition (New York: Columbia University Press, 2005), 36.

⁶⁹ John Rawls, “Justice as Fairness: Political not Metaphysical,” *Philosophy and Public Affairs* 14, No. 3 (Summer, 1985), 225.

⁷⁰ John Rawls, “Kantian Constructivism in Moral Theory,” *The Journal of Philosophy* 77, No. 9 (Sep. 9, 1980), 570.

society] as authoritative.”⁷¹ The agreement in judgments of justice thus arises not from the recognition of a prior and independent moral truth, but from “everyone’s affirmation of the same authoritative social perspective.”⁷² The public conception of morality precisely provides the justificatory and objective structure for this social perspective. For instance, that citizens in a well-ordered society are free and equal is an instance repeatedly used by Rawls in his political constructivism.⁷³ This moral ideal is drawn from “basic intuitive ideas that are embedded in the political institutions of a constitutional democratic regime and the public traditions of their interpretation.”⁷⁴ The reason why it can be used to construct and specify the domain of the political is because it is reasonably justified and publicly endorsed ideal that survives the filter of morality. Consequently, this moral ideal is also considered to be justificatorily and practically objective and hence authoritative. The domain of the political thus relies on the supply of ideals, principles, and standards that are both reasonably justifiable and publicly endorsed.

From this perspective, Scanlon’s justificatory view of morality well complements Rawls’ political turn. According to Scanlon, our moral reality consists of three concentric domains. At the center is the narrow domain of what Scanlon calls “what we owe to each other” that contains judgments of right and wrong that cannot be reasonably rejected anywhere. For instance, that murdering an innocent person is wrong is held universally. Beyond this narrow center is “the [second] domain of judgments of right and wrong that depend on reasons for rejection that

⁷¹ Ibid..

⁷² Ibid., 571.

⁷³ For instance, see John Rawls, “Kantian Constructivism in Moral Theory,” *The Journal of Philosophy* 77, No. 9 (Sep. 9, 1980), 521. For a related issue regarding the respect for persons’ free and equal status in a modern democratic society, see a recent exchange between Martha Nussbaum and Steven Wall. Martha Nussbaum, “Perfectionist Liberalism and Political Liberalism,” *Philosophy & Public Affairs* 39, No. 1 (Winter, 2011), 3-45. Steven Wall, “Perfectionism, Reasonableness, and Respect,” *Political Theory* 42, No. 4 (2014), 468-489.

⁷⁴ John Rawls, “Justice as Fairness: Political not Metaphysical,” *Philosophy and Public Affairs* 14, No. 3 (Summer, 1985), 225.

people have only under certain social conditions.”⁷⁵ Even further is the third domain where judgments “differ in a more significant way, since they are based not on the idea of what we owe to others but on the appeal of particular values that we may share.”⁷⁶ These judgments in the broader sense can support “mutually incompatible standards of conduct.”⁷⁷ This model leads to an interrelated relationship between what I will call the rational domain of the ethical, the public domain of the moral, and the political domain of justice.

The relationship between the public domain of the moral and the political domain of justice is already clear from Rawls’ remarks: the latter differs from the former only by a matter of scope, and the (narrower) political conception of justice is a (broader) moral conception. Both domains rely on reasonable justification among people who do not necessarily subscribe to the same comprehensive doctrines. But there are judgments that are not *reasonably* justifiable to every moral agent, but they are nonetheless justifiable *rationally* to people who subscribe to certain ideals, principles, and standards. It is helpful to draw a distinction between morality and ethics on the basis of how judgments are justified. To ask for an answer to the question of “what ought I to do” is also to demand a justification for the answer. According to Forst, there are two types of answers. One type of answer regards the question as one about “the values, ideals, and ‘final ends’ that constitute a good life and how this is then to be realized” *for us*; the other type of answer requires “considering the legitimate claims of *all* morally affected persons.”⁷⁸ The former is the ethical answer, and the latter the moral answer. Accordingly, we have two types of justification. Ethical justification is three-dimensional: it deals with the individual ethical person,

⁷⁵ T. M. Scanlon, *What We Owe to Each Other* (Cambridge: Harvard University Press, 1998), 348-349

⁷⁶ *Ibid.*, 349.

⁷⁷ *Ibid.*

⁷⁸ Rainer Forst, *The Right to Justification: Elements of a Constructivist Theory of Justice*, trans. Jeffery Flynn (New York: Columbia University Press, 2011), 15.

those who share particular ethical views, and the ethical community. Regardless of which dimension one is in, ethical views can be justified on rational grounds, that is, on the basis of whether the judgments are in conformity with particular ethical principles. People from different ethical traditions may find themselves sharing no common ground whatsoever. Moral justification needs to cover far more ground, since categorically binding moral judgments must “in a strict sense be normatively justifiable equally in relation to every affected person,” which represent the two features of morality as reasonably justified and publicly endorsed.⁷⁹ Some judgments can be rationally justified but cannot be reasonably expected to be endorsed by all moral agents. For instance, the doctrine that there is no salvation outside church can be rationally justified by appealing to Christian ideals and firmly endorsed by Christians who subscribe to a religious foundation of morality. However, for people who do not share similar conceptions of sin and salvation, such a doctrine cannot pass the test of reasonable justification. But this does not mean that this doctrine is meaningless; quite the contrary, it is rationally meaningful for people within the Christian *ethical* community, it is just not a *moral* doctrine in the public sense.

Following Rawls’ general division between the political conception of justice and reasonable comprehensive doctrines, we now have three analytical domains: the rational domain of the ethical, the public domain of the moral, and the political domain of justice, each covering a gradually narrower range of subjects for increasingly sharpened purposes. Rationally justifiable ethical doctrines that cannot be reasonably justified among all reasonable members of society will not be included in the shared public moral culture, which further prevents them from entering the domain of political justice. This model helps us conceptualize the solution to the initial puzzle and realize the consistency between the public conception of morality and Rawls’

⁷⁹ Ibid., 17.

political turn. The political conception of justice is indeed a moral conception, but it refers only to a reasonably justified and publicly endorsed source of morality.

As for the second point, the public conception of morality also demonstrates the source of state legitimacy and authority in political liberalism, which in turn validates Rawls' political turn. As our previous discussion on the objectivity of morality has shown, the sense of objective prescriptivity of moral principles lies not in any metaphysical or empirical entities; instead, it lies in the justificatory structure. Moral demands are objective because these demands must first pass the test of reasonable justification in order to be moral in the public sense. Even though it may be "I" who utters the moral demand, it is really the justifying and hence the objective "we" that give this demand its force. If the political conception of justice differs from the public conception of morality only in scope, then the former also derives its power from its shared structure of public justification. Rawls calls this source of power "the liberal principle of legitimacy," which says that "our exercise of political power is fully proper only when it is exercised in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse in the light of principles and ideals acceptable to their common human reason."⁸⁰ In other words, only a political conception of justice "that all citizens might be reasonably expected to endorse can serve as a basis of public reason and justification."⁸¹ The legitimacy and authority of state actions is explained by their public moral connotation without being reducible to any controversial moral doctrine.

In addition, the relationship between the public conception of morality and the political conception of justice also defends political liberalism against some perfectionist challenges and criticisms. For instance, some moderate liberal perfectionists challenge political liberalism by

⁸⁰ John Rawls, *Political Liberalism*, Expanded Edition (New York: Columbia University Press, 2005), 137.

⁸¹ *Ibid.*, 137.

claiming that non-coercive state actions in support of certain ways of life do not take away the liberal outlook of a society.⁸² Moreover, some perfectionists also ask if state actions are moral, and if so then it seems that political liberalism also relies on a conception of morality that it tries very hard to exclude from the domain of the political. As for the challenge, we now know that the source of legitimate state action lies in the justificatory structure, so any state action that cannot be reasonably justified to all citizens, coercive or not, is not only illegitimate but also amoral or even immoral in the public sense. As for the criticism, political liberals can respond to it by distinguishing between the public conception of morality that is reasonably justified to all reasonable members of society, and conceptions of morality that are only rationally defended by appealing to certain ethical ideals, principles, and standards that other reasonable members can reasonably reject. Legitimate state action is indeed moral, but not on any perfectionist ground; instead, it is moral only in accordance with reasonably justified and publicly endorsed ideals, principles, and standards.

Therefore, one need not worry whether the public conception of morality takes away the political emphasis of Rawls' political liberalism. On the contrary, it makes sense to conclude that a public conception of morality is what Rawls has in mind when he says that the political conception of justice is of course a moral conception. Justice has to be a moral conception, and justice in a pluralistic world requires a pluralistic conception of morality. The public conception of morality both defines and defends the political conception of justice.

⁸² See for instance Joseph Chan, "Legitimacy, Unanimity, and Perfectionism," *Philosophy & Public Affairs* 29, No. 1 (Winter, 2000): 5-42; and Chapter 3 in Steven Wall, *Liberalism, Perfectionism, and Restraint* (Cambridge: Cambridge University Press, 1998), 44-62.

2.6. Conclusion

The later Rawls leaves a puzzle regarding his conception of morality in political liberalism. Despite his commitment to exclude comprehensive moral doctrines, he makes it clear that the political conception of justice is nonetheless a moral conception. By addressing two critical questions regarding the necessity and the force of a justificatory view of morality, the public conception of morality is demonstrated to be a viable conception capable of reconciling the tension within Rawls' view of morality and justice. In addition, the public conception of morality is also shown to both define and defend the political conception of justice, which ultimately strengthens the case for political liberalism.

One of the enduring problems surrounding political liberalism has to do with its asymmetric treatment of the right and the good. While the state should remain neutral among comprehensive doctrines within the domain of the political, no such standard is maintained outside where citizens practice their own comprehensive doctrines. This challenge from the perfectionist camp is known as the "asymmetry objection." In the next chapter, I will address this issue by first defending a recent solution proposed by Jonathan Quong, and then defending political liberalism against moderate perfectionism, whose objection against the asymmetric treatment of the right and the good requires special engagement.

Chapter 3: Against the Asymmetry Objection

3.1. Introduction

One of the key objections raised against political liberalism is the argument from asymmetry, which claims that political liberalism holds double standards between its treatment of the right and the good. According to political liberalism, the question of the good life, unlike the question of political justice, fundamentally divides even reasonable people in a liberal society, so the most sensible thing to do is for the state to refrain from making references, let alone officially endorsing, comprehensive doctrines in order to avoid implications of paternalism and even totalitarianism. However, it is also reasonable to assume that similar disagreements exist in the realm of justice. According to Joseph Chan, liberals “owe perfectionists an account as to why the state’s enforcement of controversial decisions is problematic only in the case of conceptions of the good life and not in non-good-life issues like social justice.”¹ In other words, liberals must show that the distinction between social justice and the good life is so deep that they warrant asymmetric treatments. For instance, why is it not justified for the liberal state to endorse Aristotelian teleological ethics, whereas its endorsement of court decisions, policies on national defense, and education reforms that are no less controversial is considered legitimate? Michael Sandel argues that “political liberalism must assume not only that the exercise of human reason under conditions of freedom will produce disagreements about the good life but also that the exercise of human reason under conditions of freedom will not produce disagreements of justice.”² The asymmetry objection is considered by many to be so powerful that “as long as [it]

¹ Joseph Chan, “Legitimacy, Unanimity, and Perfectionism,” *Philosophy & Public Affairs* 29, No. 1 (Winter 2000): 22.

² Michael Sandel, *Liberalism and the Limits of Justice* (Cambridge: Cambridge University Press, 1982), 203. For the asymmetry objection, also see Michael Sandel “Political Liberalism,” *Harvard Law Review* 107 (1994): 1783-1788.

remains unanswered, the pursuit of justice opens the door to perfectionism.”³ As Jonathan Quong correctly points out, the asymmetry objection, instead of challenging the main assumptions from which political liberalism begins, “purports to show that political liberalism is not even internally coherent; that liberal neutrality concerning the good cannot be consistently derived from within the political liberal position.”⁴ The force of the asymmetry objection is thus twofold. First, it casts doubt on the distinction between the right and the good that lies in the heart of political liberalism. If this distinction is blurred, people who are sympathetic to perfectionism will have the ground to propose alternatives to the neutral state, albeit liberal or not. Second, the objection also turns some of the most widely used political liberal defenses against political liberalism and vindicates the reasonability of perfectionism.⁵

This chapter aims to defend political liberalism against the asymmetry objection. I will first explain the asymmetry objection in greater details and outline Jonathan Quong’s recent response to the asymmetry objection with the distinction between foundational disagreements and justificatory disagreements. Despite some criticisms, I will argue that this solution can be defended and strengthened on the basis of the public conception of morality discussed in Chapter 2. The asymmetry objection can also be raised in the context of moderate perfectionism, which does not subscribe to specific comprehensive doctrines but nonetheless endorses certain perfectionist values to guide state actions. I will argue that the moderate perfectionist challenge

Joshua Cohen, “Moral Pluralism and Political Consensus,” *The Idea of Democracy*, eds. David Copp, Jean Hampton, and John Roemer (Cambridge: Cambridge University Press, 1993), 270-91.

³ Timothy Fowler and Zofia Stemplowska, “The Asymmetry Objection Rides Again: On the Nature and Significance of Justificatory Disagreement,” *Journal of Applied Philosophy* 32, No. 2 (2015): 145.

⁴ Jonathan Quong, *Liberalism without Perfectionism* (Oxford: Oxford University Press, 2011), 198.

⁵ For instance, Joseph Chan proposes one of the most compelling case for the asymmetry objection by taking advantage of Thomas Nagel’s argument of higher-order unanimity, which is supposed to defend liberalism against the asymmetry objection, to show that it in fact vindicates perfectionism. Joseph Chan, “Legitimacy, Unanimity, and Perfectionism,” *Philosophy & Public Affairs* 29, No. 1 (Winter 2000): 5-42.

through the asymmetry objection does not work because moderate perfectionism is inherently unstable.

3.2. The Asymmetry Objection and Recent Engagement

According to Joseph Chan, Thomas Nagel's argument of higher-order unanimity, which is supposed to defend liberalism against the asymmetry objection, in fact vindicates perfectionism. Nagel's response to the asymmetry argument is that apparent disagreements in the realm of justice do not cover the fact that at a higher level there may be reasonable agreement on the need for unified state policies. Thus, even if people do not agree with the proposed state policies, they are not treated merely as means, because higher-order unanimity legitimizes state policies regarding justice.⁶ Chan formulates this argument as the general principle of higher-order unanimity, which states that in "situations where reasonable people have disagreements on how a problem should be resolved but nonetheless agree, or would agree, that the state should adopt a policy (even if the policy may turn out to be disputable), the state may legitimately make policy decisions dealing with the problem."⁷ In Chan's opinion, there are two (extreme) interpretations of the principle. On one extreme, the higher-order unanimity is so *difficult* to obtain that "not only the state's pursuit of the good life but also other traditional pursuits of the

⁶ Thomas Nagel, *Equality and Partiality* (Oxford: Oxford University Press, 1995), 164-65.

⁷ Joseph Chan, "Legitimacy, Unanimity, and Perfectionism," *Philosophy & Public Affairs* 29, No. 1 (Winter 2000): 23. In addition, Chan also describes three conditions sufficient for higher-order unanimity according to Nagel's argument: "(a) Collective action through the agency of the state is a better means than individual action to promote the desired goal. (b) Policies made by the state do not engage in repression or intolerance of those who have different views. In other words, the policies respect basic individual rights. (c) The members of decision-making bodies (officials, group representatives, or experts appointed by the state or elected by groups) may change from time to time so that each interest- or opinion-group may have a fair chance to influence the decision-making process and its outcomes. In other words, while various individuals or groups may not agree with every policy produced, there will be, in the long run, some policies which promote their concerns so that, all things considered, each of these individuals or groups prefers to have collective action supported by the state to separate individual action." These three conditions will be used to support Chan's moderate perfectionism. *Ibid.*: 27.

state such as national defense and education would be judged as illegitimate.”⁸ On the other extreme, the higher-order unanimity is so *easy* to obtain that “all these pursuits of the state, including the good life, can be judged as legitimate.”⁹ The difficult reading of the principle obviously does not work for liberalism, because it still needs to maintain a relatively broad view of higher-order unanimity in order to justify such traditional state pursuits as education and healthcare. However, if the easy reading is to be preferred, it is too relaxed to exclude state perfectionism.¹⁰ Put differently, “if the broader version can justify state action on controversial issues of education and public health, they can . . . equally justify perfectionist policies made by the state.”¹¹ Chan is also keenly aware of the negative implication of extreme perfectionism that is comprehensive in its ranking of goods and ways of life, coercive in its means of pursuit, pure in its (exclusive) concern for the good life, and state-centered in its principled preference for the state as the direct and primary agent of the promotion of the good life.¹² In contrast, Chan proposes a moderate version of perfectionism that is local, noncoercive, mixed, and multicentered.¹³ Based on these considerations, Chan concludes that “Nagel’s higher-order unanimity argument not only fails to reject perfectionism, it vindicates it,” especially when it comes to moderate perfectionism, which takes into consideration the good life but not so much so that it transforms into comprehensive forms.¹⁴

Chan’s revitalization of the asymmetry objection to strengthen the case for perfectionism has been met with great interest. In response, Jonathan Quong argues that the asymmetric treatment of the right and the good can be maintained by distinguishing between two types of

⁸ Ibid.: 24.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Ibid.: 28.

¹² Ibid.: 16.

¹³ Ibid.

¹⁴ Ibid.: 34.

disagreements. On the one hand, foundational disagreements are disagreements in which “the participants do not share any premises which can serve as a mutually acceptable standard of justification,” and these disagreements are “at the level of ultimate convictions or principles” where no standard of justification could serve as the basis for adjudicating their dispute.”¹⁵ He gives the example of Mike and Sara, who disagree with each other on the (im)morality of recreational drug use. While Mike believes that recreational drug use is immoral because so doing is against the view that the proper function of every human life is devoted service to God’s commandments, Sara believes that recreational drug use is one of the many human activities that is morally permissible because she rejects the idea of having God’s commandments as a legitimate source of moral authority.¹⁶ In Quong’s view, reasonable people like Mike and Sara “normally” or “almost certainly” disagree with one another regarding the good life in a foundational sense.¹⁷ If the state is to endorse a particular comprehensive doctrine, then it is impossible to do so legitimately, because there will always be citizens who are fundamentally opposed to it without deeper standard of justification to adjudicate their dispute. On the other hand, justificatory disagreements are disagreements in which “the participants share premises that serve as a mutually acceptable standard of justification, but they nevertheless disagree about certain substantive conclusion,” and adjudicating these disagreements depends on “a mutually acceptable standard of justification [that] will likely mean, in effect, that the participants abstain from relying on ‘sectarian’ (i.e. non-free-standing) doctrines.”¹⁸ Quong gives the example of Tony and Sara, who disagree about the (in)justice of allowing the Catholic Church to

¹⁵ Jonathan Quong, *Liberalism without Perfectionism* (Oxford: Oxford University Press, 2011), 205.

¹⁶ *Ibid.*, 204-205.

¹⁷ *Ibid.*, 193.

¹⁸ Timothy Fowler and Zofia Stemplowska, “The Asymmetry Objection Rides Again: On the Nature and Significance of Justificatory Disagreement,” *Journal of Applied Philosophy* 32, No. 2 (2015): 135. Also see Jonathan Quong, *Liberalism without Perfectionism* (Oxford: Oxford University Press, 2011), 205.

discriminate on the basis of gender when employing priests. While Tony believes that the right to religious liberty ought not to be infringed, Sara believes that the Catholic Church should be treated like other private associations that are not exempt from gender discrimination.¹⁹

Reasonable citizens like Tony and Sara who accept the burdens of judgment and the commitment to the freedom and equality of all citizens in a fair society will necessarily be committed to a shared framework of public reason, which serves as the justificatory basis for justice despite their subscriptions to different comprehensive doctrines. Their disagreements regarding justice will necessarily be non-foundationalist, which means that even if the state decides to favor some reasonable citizens' reasoning regarding an issue relating to the constitutional essentials and the basic structure of society, its doing so will not be illegitimate because other reasonable citizens have shared reasons to endorse the decision, even if they do not think it is the best choice.

Quong's solution is predicated on the realization that Rawls does not deny the possibility of disagreements over justice.²⁰ According to Rawls,

Accepting the idea of public reason and its principle of legitimacy emphatically does not mean, then, accepting a particular liberal conception of justice down to the last details of the principles defining its content. We may differ about these principles and still agree in accepting a conception's more general features. We agree that citizens share in political power as free and equal, and that as reasonable and rational they have a duty of civility to appeal to public reason, yet we differ as to which principles are the most reasonable basis of public justification.²¹

In other words, what Rawls actually denies is that disagreements over justice go all the way down, because "practically that means that fragmentation of the basis of mutual cooperation

¹⁹ Jonathan Quong, *Liberalism without Perfectionism* (Oxford: Oxford University Press, 2011), 205.

²⁰ Many have in fact realized this fairly obvious response from Rawls. See for instance Matt Sleat, "A Defence of the Radical Version of the Asymmetry Objection to Political Liberalism," *Croatian Journal of Philosophy* 14, No. 40 (2014): 78.

²¹ John Rawls, *Political Liberalism*, Expanded Edition (New York: Columbia University Press, 2005), 226.

among citizens, or worse, the disintegration of a democratic-constitutional society.”²² Quong’s strategy to respond to the asymmetry objection begins precisely from this point. The legitimacy of state action is incompatible with foundational disagreements over the good life but can be compatible with justificatory disagreements over justice. Quong’s response is summarized in the following four steps:

- (1) Reasonable disagreements about the good life are not necessarily justificatory and will almost certainly be foundational.
- (2) Reasonable disagreements about justice are necessarily justificatory and not foundational.
- (3) The liberal principle of legitimacy is not violated when the state imposes a view that arises out of a justificatory disagreement.

Therefore

- (4) Claims of justice over which there is reasonable disagreement, if imposed by the state, do not violate the liberal principle of legitimacy in the way that perfectionist claims are likely to do.²³

Nevertheless, Timothy Fowler and Zofia Stemplowska recently cast doubt upon the first two steps. Specifically, they argue that the concept of justificatory disagreement is subject to two different readings. First, the “coarse account” of justificatory disagreement says that it is enough that “parties to the dispute agree on some important values or principles; even if they disagree about various other values their disagreement remains justificatory.”²⁴ Second, the “fine account” of justificatory disagreement says that it is not enough that parties merely agree on the basic values; instead, “parties must accept as values all the values offered by fellow citizens with

²² Sungmoon Kim, “Public Reason Confucianism: A Construction,” *American Political Science Review* 109, No. 1 (2015): 190. Others have recognized this rather obvious response from Rawls. See for instance Matt Sleat, “A Defense of the Radical Version of the Asymmetry Objection to Political Liberalism,” *Croatian Journal of Philosophy* 14, No. 40 (2014): 78-79.

²³ Jonathan Quong, *Liberalism without Perfectionism* (Oxford: Oxford University Press, 2011), 204.

²⁴ Timothy Fowler and Zofia Stemplowska, “The Asymmetry Objection Rides Again: On the Nature and Significance of Justificatory Disagreement,” *Journal of Applied Philosophy* 32, No. 2 (2015): 137.

whom they disagree over a given policy.”²⁵ The ultimate criticism the authors have is that problems arise whichever reading one chooses. If one adopts the coarse account, then “it is not clear that we are in the presence of a disagreement in which all parties really do share a common framework sufficient to generate the need to endorse whichever policy is selected in a procedurally fair way.”²⁶ This is because it is not clear if “those who lose out (once votes have been cast) really have a reason to endorse the winning policy,” since they can no longer be told that “the policy is truly based simply on the clearly identifiable values to which they are ‘firmly committed.’”²⁷ If the fine account is adopted, then “it is no longer clear that all disagreement about justice that appears reasonable is justificatory disagreement.”²⁸ In contrast, at least some of these disputes will be foundational, since “some parties to the dispute will likely assert specific values that go beyond the basic values that all reasonable citizens must accept.”²⁹ Fowler and Stemplowska thus conclude that Quong’s distinction does not work, and that “as long as the asymmetry objection remains unanswered, the pursuit of justice opens the door to perfectionism.”³⁰ Quong’s response is clearly inspired by Rawls’ classic distinction between the political and the comprehensive. Fowler and Stemplowska’s criticism to blur the distinction between foundational and justificatory disagreements hinges upon the validity of Rawls’ original distinction. In Chapter 2, I pointed out a puzzle regarding Rawls’ statement that the political is also moral in nature. This puzzle is closely related to Fowler and Stemplowska’s criticism: if the domain of the political is also moral, which is usually associated with foundationalist

²⁵ Ibid.: 138.

²⁶ Ibid.

²⁷ Ibid.

²⁸ Ibid.

²⁹ Ibid.

³⁰ Ibid.: 145. The authors also go on to argue that two potential responses from Quong by appealing to plausibility and by appealing to the further distinction between brute and interpretive disagreement do not work either. See Ibid.: 139-144.

implications, then it *does* appear that disagreements over justice are not necessarily justificatory. Since I have already established that it is reasonable to maintain the public conception of morality in Rawls' political liberalism, which avoids the seeming contradiction, we are able to respond to Fowler and Stemplowska's criticism by strengthening Quong's solution with a clearer view of the distinction between foundational and justificatory disagreements as corresponding not precisely with the good and the right but instead with the good and the public domain of morality, which contains the right.

3.3. Defending the Foundational-Justificatory Distinction

Fowler and Stemplowska argue that the distinction between the two types of disagreements is not as clear as Quong thinks. In particular, the authors argue that the political values Rawls appeal to—"the due respect for human life, the ordered reproduction of political society over time, including the family in some form, and finally the equality of women as equal citizens"—go beyond what they call the "basic values," by which they mean the recognition of general freedom and general equality as valuable, the commitment to fair co-operation under circumstances of burden of judgment, and the commitment to all the necessary implications of these commitments, i.e. to public reason.³¹ In their reading of Quong's example of Tony and Sara, the authors also think that the value of liberty, or the specific value of religious liberty, to which both Tony and Sarah are committed by virtue of being reasonable citizens, is a value that goes beyond the basic values.³² Both Quong's response and Fowler and Stemplowska's criticism are contingent upon how significant the difference between justificatory and foundational

³¹ Timothy Fowler and Zofia Stemplowska, "The Asymmetry Objection Rides Again: On the Nature and Significance of Justificatory Disagreement," *Journal of Applied Philosophy* 32, No. 2 (2015): 138.

³² Ibid.

disagreements truly is. With “basic values,” Fowler and Stemplowska essentially limit the scope of what qualifies as justificatory disagreements, which squeezes a variety of values and commitments out of the justificatory domain into the foundational beyond. Consequently, whenever people appeal to these squeezed-out values and commitments in order to discuss their disagreements, such as the due respect for human life in the case of Rawls and the value of religious liberty in the case of Quong, it is very difficult not to see them as foundational. However, if the public conception of morality as well as the concentric view of justice, morality, and ethics discussed in Chapter 2 are reasonable, then the domain of the political should be treated as a part of the public domain of morality, which is to be distinguished from the foundationalist domain of ethics. It thus follows that justificatory disagreements are not only limited to the strictly political domain. In order to supply ideals, principles, and standards for the political domain of justice, a broader domain of morality is needed. It will be remembered that the public domain of morality consists of values and commitments that are

- (1) reasonably justified;
- (2) publicly endorsed;
- (3) devoid of the traditionally ontological character of morality, meaning that the objective prescriptivity of morality no longer hinges upon the independent truth regarding the foundation of morality but on its possibility of being reasonably justified;
- (4) justificatory only in structure, meaning that the principle of reasonable justification cannot itself play a foundationalist role.

These four features ensure that values and commitments in the public domain of morality remain justificatory rather than foundational. Having the public conception of morality means that Quong’s distinction between foundational and justificatory disagreements is not precisely mapped with the good and the right but instead with the good (the foundationalist domain of

ethics) and the public domain of morality that contains the right (the political domain of justice).³³ From this aspect, Fowler and Stemplowska give justificatory disagreements too narrow a scope when they limit justificatory disagreements only to basic values.

Fowler and Stemplowska might object that extending the scope of what counts as justificatory disagreements essentially opens the door to perfectionism, because elements relating to the good life can now enter public reason and perhaps even become the motivation behind state action. There are two responses to this objection. First, the public domain of morality ensures that ideals, principles, and standards within it are necessarily justificatory and not foundationalist. The due respect for human life, for instance, only enters the public domain of morality when it is stripped of its potentially perfectionist moral foundations. When Rawls refers to the due respect for human life, he does not have any independent moral truth as the sole ground for this value; instead, he accepts and uses it justificatorily for political purposes because it is publicly moral, i.e. it is reasonably justified and publicly endorsed. The important thing to note is that such a moral overlapping consensus must not presuppose a singular and uniquely true foundation of morality. The second response is that not everything in the public domain of morality will enter the political domain of justice. This is because only those ideals, principles, and standards suitable for the basic structure of society and constitutional essentials will be properly called “political.” Political values and commitments, such as the necessity to ensure the freedom and equality of citizens, can be justified in a non-foundationalist way by appealing to other justificatory ideals, principles, and standards, such as the ideal of respect for persons as moral agents, found in the public domain of morality without foundationalist implications. Thus,

³³ Paul Billingham recognizes this slight mismatch but treats it as a shortcoming of Quong’s solution. Paul Billingham, “Liberal Perfectionism and Quong’s Internal Conception of Political Liberalism,” *Social Theory and Practice* 34, No. 1 (January, 2017): 97.

extending the domain of justificatory disagreements will not necessarily make political liberalism perfectionist.

We are now in a good position to address the dilemma proposed by Fowler and Stemplowska can be addressed. As for the fine account of justificatory disagreement, it is unclear why a disagreement about justice is necessarily foundational if it goes beyond the narrowly defined basic values. As long as the disagreement stays within the domain of public morality, it remains justificatory. So understood, the account of reasonable citizenship is not as demanding as the authors think, because citizens enter public debates as free and equal persons holding publicly moral values and commitments, and their disagreements remain justificatory as long as they do not appeal to values and commitments that are not moral in the public sense. As for the coarse account, it does not lead to the conclusion that “it is not clear that we are in the presence of a disagreement in which all parties really do share a common framework sufficient to generate the need to endorse whichever policy is selected in a procedurally fair way.”³⁴ Fowler and Stemplowska’s worry is caused by the uncertainty of whether “those who lose out (once votes have been cast) really have a reason to endorse the winning policy.”³⁵ The introduction of the public conception of morality addresses this worry. People who lose out have a moral reason to endorse the winning policy. As we have seen in the previous section, the sense of objective prescriptivity found in the foundationalist view of morality is carried over to the public conception of morality. However, the source of moral force no longer lies in any metaphysical or empirical entities; instead, it lies in the justificatory structure. Moral demands are objective because these demands must first pass the test of reasonable justification in order to be moral in

³⁴ Timothy Fowler and Zofia Stemplowska, “The Asymmetry Objection Rides Again: On the Nature and Significance of Justificatory Disagreement,” *Journal of Applied Philosophy* 32, No. 2 (2015): 138.

³⁵ Ibid.

the public sense. Even though it may be “I” who utters the moral demand, it is really the justifying and hence the objective “we” that give this demand its force. If the political conception of justice differs from the public conception of morality only in scope, then the former also derives its power from its shared structure of public justification. Rawls calls this source of power “the liberal principle of legitimacy,” which says that “our exercise of political power is fully proper only when it is exercised in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse in the light of principles and ideals acceptable to their common human reason.”³⁶ In other words, only a political conception of justice “that all citizens might be reasonably expected to endorse can serve as a basis of public reason and justification.”³⁷ If a decision is justifiable according to any of those publicly endorsed and reasonably justified values and commitments, it brings with it moral reasons to accept the decision. Therefore, the public conception of morality both defines and defends the political conception of justice.

By the same token, we are also able to respond to the version of the asymmetry objection that Chan proposes in the beginning. It will be remembered that Chan presents us with two readings of the principle of higher-order unanimity. On one extreme, the higher-order unanimity is so *difficult* to obtain that “not only the state’s pursuit of the good life but also other traditional pursuits of the state such as national defense and education would be judged as illegitimate.”³⁸ On the other extreme, the higher-order unanimity is so *easy* to obtain that “all these pursuits of the state, including the good life, can be judged as legitimate.”³⁹ With a concentric view of the

³⁶ John Rawls, *Political Liberalism*, Expanded Edition (New York: Columbia University Press, 2005), 137.

³⁷ Ibid.

³⁸ Joseph Chan, “Legitimacy, Unanimity, and Perfectionism,” *Philosophy & Public Affairs* 29, No. 1 (Winter 2000): 24.

³⁹ Ibid.

political domain of justice, public domain of morality, and foundationalist domain of ethics, the dichotomy between these two readings becomes a false one. The reason why the state may legitimately make policy decisions dealing with a problem over the solution to which people have disagreements is not because higher-order unanimity is either difficult or easy to obtain. Instead, it has to do with how the policy comes into being in the first place. A policy backed by foundationalist concerns cannot make it into the public domain of morality, let alone the political domain of justice. Only policies that all free and equal citizens may reasonably be expected to endorse by appealing to reasonably justified and publicly endorsed ideals, principles, and standards can pass as legitimate. If the disagreements people have are over *which* of these reasonably justified and publicly endorsed ideals, principles, and standards ought to be chosen as the justification of these policies, it does not take away the fact that these policies themselves are legitimate from a political liberal point of view, and hence their imposition on citizens who disagree with them justificatorily is also legitimate. The asymmetric treatment of justice and the good life is therefore justified, as long as one recognizes that the boundary between the two types of disagreements does not overlap with the boundary between justice and morality. It is the public conception of morality that draws the line between justificatory and foundational disagreements. The reason why the right and the good deserve different treatment is because the former deals with justificatory disagreements that fall within the domain of the public conception of morality, whereas the latter deals with foundational disagreements that fall beyond. By mapping the distinction between foundational and justificatory disagreements not precisely with the good and the right but instead with the good and the public domain of morality, which contains the right, Quong's solution is defended, and the asymmetry objection is defused.

3.4. The Instability of Moderate Perfectionism

One might reasonably object at this point that neither Rawls nor Quong considers the possibility that people can reach moderate agreement on some perfectionist values without maintaining full agreement on a comprehensive doctrine. If citizens can indeed overlap on some values and commitments, then it seems that there is nothing wrong for the state to endorse and promote these values. This position is known as moderate perfectionism, which is distinguished from comprehensive perfectionism that maintains that the state ought to guide its action with a specific comprehensive doctrine. If the asymmetry objection is raised from a moderate perfectionist point of view, then it appears that the above solution misses its mark. In this section, I will respond to this objection by arguing that moderate perfectionism is inherently unstable, which makes it susceptible to criticisms for comprehensive perfectionism. As a consequence, the challenge from moderate perfectionism does not undermine the strength of the solution to the asymmetry objection discussed in previous sections.

According to Chan, unlike comprehensive perfectionism, which holds that “the state may adopt a comprehensive doctrine as the basis of state policy and promote the good life in accordance with the requirement of that comprehensive doctrine,” moderate perfectionism only appeals to judgments that are uncontroversial and promote perfectionist values in a local, noncoercive, mixed, and multicentered way. Moderate perfectionism is predicated on the understanding of “conceptions of the good life” as involving four kinds of judgment:

- (1) Specific judgments on agency goods, which refer to virtues or dispositions that constitute the good life (e.g., reason, courage, justice, temperance, integrity, and sincerity).
- (2) Specific judgments on prudential goods, which refer to goods or values that contribute to a person’s good life (e.g., aesthetic experience, human relationship,

amusement and play, knowledge, etc.).

(3) Local comparative judgments on particular ways of life, which refer to persons' patterns of living that embodies a particular ranking of agency and prudential goods and a particular way of realizing them.

(4) Comprehensive doctrines that involve comprehensive ranking of goods and ways of life.⁴⁰

In Chan's view, although the fourth type of judgment is "highly controversial and probably untenable," the first three types are not.⁴¹ Thus, the state can promote them without becoming oppressive or endangering social unity and stability. A liberal theory of justice need not be informed by a single comprehensive doctrine. A piecemeal approach that utilize perfectionist values to inform political decisions when they are shared by people who endorse different comprehensive doctrines and uncontroversially point to specific conclusions ought not to be rejected. Building upon Chan's proposal, Franz Fan-lun Mang agrees that there are two types of perfectionist judgments: judgments about agency or prudential goods, which highlights the importance of these goods, and judgments on impoverished ways of life, which point out that some ways of life are impoverished because they are highly deficient in agency and prudential goods.⁴² Taking the moderate approach one step further, Mang argues against Gerald Gaus' argument for liberal neutrality that the state may promote the good life by appealing to what he calls "qualified judgments about the good life," such as: "human relationships contribute to the good life of *most, if not all, people*," "courage constitutes the good life of *most, if not all, people*," and "hard-drug addiction is harmful to *most, if not all, people*."⁴³ In Mang's view, once

⁴⁰ Joseph Chan, "Legitimacy, Unanimity, and Perfectionism," *Philosophy & Public Affairs* 29, No. 1 (Winter 2000): 14. These four kinds of judgment are based on Chan's description of a conception of the good life as consisting of agency goods, prudential goods, and a way of life. *Ibid.*, 11.

⁴¹ *Ibid.*, 14.

⁴² Franz Fan-lun Mang, "Liberal Neutrality and Moderate Perfectionism," *Res Publica* 19 (2013): 300.

⁴³ *Ibid.*, 302.

these universal judgments about the good life are qualified, “they should be accepted *beyond reasonable doubt*,” even if anyone disagrees about that, because qualified judgments are “value judgments rather than reports of people’s beliefs about value.”⁴⁴ Moreover, similar to Chan’s proposal, qualified judgments “do not need to rely on Rawlsian comprehensive doctrines in order to be plausible.”⁴⁵ These two features represent the two distinct advantages of moderate perfectionism, which seems to both meet Gerald Gaus’ neutral justification principle and be compatible with Rawls’ idea of legitimacy.⁴⁶ Mang thus concludes that it is possible to treat qualified judgments as a different kind of public reason, and the state’s appeal to them is legitimate.

However, the necessity for Mang to introduce qualified judgments to moderate perfectionism precisely reveals the approach’s key weakness. One might ask a simple question: why qualify these judgments at all, if they are so uncontroversial that reasonable persons might all endorse them anyway? The answer is equally simple: they are not universally endorsed by reasonable persons. Moreover, one can follow with another question: where do these perfectionist values, which are irreducible to any single comprehensive doctrine, come from? Chan’s moderate perfectionism paves the road for his later theory of Confucian perfectionism. As Jiwei Ci correctly observes, “Chan’s proposal for uncoupling Confucian values from Confucian institutions and reattaching them to liberal democratic ones, rather than opportunistic, is motivated by a belief about Confucian politics, and indeed about politics in general, that lies at the heart of his entire undertaking.”⁴⁷ As it will become clearer in Chapter 7, it is very difficult for moderate perfectionism to come out of its abstract form and confront concrete values without

⁴⁴ Ibid.

⁴⁵ Ibid., 303.

⁴⁶ Ibid.

⁴⁷ Jiwei Ci, “Review of *Confucian Perfectionism: A Political Philosophy for Modern Times*,” *Dao* 14 (2015): 290.

at the same time also subscribing to some comprehensive doctrines from which these values are derived.⁴⁸ To qualify judgments about certain perfectionist values in the way Mang does will not help, because the qualification serves as an excuse to hide the more comprehensive background and motivation of the moderate approach. It is therefore premature for Mang to conclude that it is legitimate in the Rawlsian sense for the state to appeal to these qualified judgments, when Rawls' liberal principle of legitimacy clearly states that "our exercise of political power is fully proper only when it is exercised in accordance with a constitution the essentials of which *all* citizens as free and equal may reasonably be expected to endorse in the light of principles and ideals acceptable to their common human reason."⁴⁹ Thus, moderate perfectionism can revert to more comprehensive form of perfectionism when perfectionist values are situated in or justified by certain comprehensive doctrines. If that is the case, then the previous solution to the asymmetry objection still stands even if it comes from moderate perfectionism.

Mang might object by appealing to his other distinction between the atomistic view and the holistic view of perfectionism. While the atomistic view considers the legitimacy of perfectionism by examining each perfectionist policy separately, the holistic view considers it in light of the fact that the state may pursue a wide variety of perfectionist policies.⁵⁰ Mang argues from the analogy that although not everything in the package of services and benefits universities usually offer students will benefit the latter, the package itself is regarded by students as

⁴⁸ In Chapter 7, my main criticism of Chan can be summarized as follows: if the theory is too Confucian, it is no longer moderate; but if the theory is too moderate, it may not be sufficiently or sincerely Confucian. For instance, if Chan's view of perfectionism emphasizes more on agency and prudential goods than on ways of life in the hope of keeping perfectionism moderate, it risks losing its perfectionist appeal, because political liberals can make an equally compelling case for a neutral state by endorsing agency and prudential goods without subscribing to strong perfectionism. On the other hand, if Chan emphasizes more on the Confucian way of life than on agency and prudential goods, his view of perfectionism loses its moderate appeal. Confucian political perfectionism is therefore inherently unstable.

⁴⁹ John Rawls, *Political Liberalism*, Expanded Edition (New York: Columbia University Press, 2005), 137. Emphasis mine.

⁵⁰ Franz Fan-lun Mang, "Liberal Neutrality and Moderate Perfectionism," *Res Publica* 19 (2013): 304.

reasonable, because students can pick which services and benefits work the best for them and choose to ignore the ones that do not. By the same token, “even if there is a hermit who rightly thinks that human relationships are not valuable for him, he may benefit from the state’s promotion of other goods, such as art and knowledge.”⁵¹ Thus, if the state supports a sufficiently wide variety of goods, then every valuable way of life can benefit from that, and this shows equal respect to all citizens regardless of what comprehensive doctrines they might endorse.⁵² There are two problems with this response. First, the analogy between the university and the state does not work, because while students can freely dismiss services and benefits provided by the university package, citizens cannot do so with perfectionist policies. Even noncoercive measures such as taxation will likely nudge some people to change their way of life. Take Mang’s example of the hermit for instance. Although the hermit’s tax money goes to support the entire perfectionist package, the state’s decision to promote human relationships is likely to lead to a collective increase in social cohesion that might either decrease the likelihood that the hermit might find a space of exclusion, or substantially challenge the hermit’s view of the good life that he abandons his current way of life, or both. These possible effects will likely further deter others to follow the hermit’s way of life. The hermit can certainly benefit from the state’s promotion of other perfectionist values, but his core belief might be compromised as a result.

The same line of thought applies on a larger scale because a person’s peripheral commitments might be another’s core beliefs. In the context of the asymmetry objection, we can respond by drawing from Ronald Dworkin’s challenge model of the good life that captures the sense of disrespect against the hermit in the above example. According to Dworkin, we are also under the influence of two interpretive models that connect our internal ethical convictions and

⁵¹ Ibid., 305.

⁵² Ibid.

external ethical circumstances. The impact model holds that “the value of a good life consists in its product, that is, in its consequences for the rest of the world.”⁵³ The challenge model holds that “the goodness of a good life lies in its inherent value as a performance.”⁵⁴ The difference between the two models is profound. Unlike the impact model that “ties ethical value to objective world value,” the challenge model “allows the idea of ethical value to float free of any other kind of value,” since the emphasis is on the practice of the abstract value of a good life.⁵⁵ Nevertheless, we never act in a vacuum. Sometimes we fail to live the good life not because of the lack of value but because of the unnecessary difficulties we have to encounter in life. Thus, it is to distinguish between the right challenges and the wrong challenges. In Dworkin’s words,

sometimes our lives may go badly not just because we are unwilling or unable properly to respond to the circumstances we have, but because we have the wrong circumstances. We do not even face the challenge we identify as the right one. Even if we do the best we can in the circumstances we do face, we do badly measuring our success against the change we believe we ought to have been given, and it is the latter that defines a good life for us.⁵⁶

Just as “it is implausible to think that someone can lead a better life against the grain of his most profound ethical convictions than at peace with them,” it is equally implausible to call someone living a good life if her most profound ethical convictions are unnecessarily challenged all the time.⁵⁷ The package of perfectionist policies is bound to produce disrespectful implication and set up unnecessary challenges for people to practice their ways of life, even if these policies aim to promote perfectionist values in a noncoercive manner irreducible to a single comprehensive doctrine.

⁵³ Ronald Dworkin, *Sovereign Virtue: The Theory and Practice of Equality* (Cambridge: Harvard University Press, 2000), 251.

⁵⁴ *Ibid.*

⁵⁵ *Ibid.*, 254.

⁵⁶ *Ibid.*, 262.

⁵⁷ *Ibid.*, 217.

Another problem with Mang's moderate perfectionism has to do with the qualification that in order for the state's holistic promotion of perfectionist values to be legitimate, the package must be pluralistic enough.⁵⁸ Mang does not specify what he means by "pluralistic enough." It can mean two things. First, the package is pluralistic enough when all moderately perfectionist values are included. This seems empirically impossible, and Mang concedes as much. Second, the package is pluralistic enough when its promotion leads to improved welfare of minorities and the disadvantaged. This seems a more reasonable characterization since Mang points out that there is strong reason to give certain groups of citizens a tax cut or other forms of benefits if the state's promotion of perfectionist values cannot avoid treating them unfairly.⁵⁹ However, this consequentialist view of state activity cannot address the criticism that so doing will nonetheless show certain groups of citizens disrespect. Tax cut and other forms of benefits are not replacement for due respect. Moderate perfectionism needs an account of respect for persons that does not rely on its consequentialist justification of the promotion of perfectionist values. This consequentialist view is also problematic because it can conflict with moderate perfectionism's other commitments whose value is not primarily consequentialist. For instance, Joseph Chan argues that human rights can serve as "an important fallback apparatus" in his moderate Confucian political perfectionism.⁶⁰ I will have more to say about Chan's approach in Chapter 6, but for now it is sufficient to characterize Chan's approach as taking what is valuable in Confucianism and abstracting from these values enough uncontroversial goods so that all citizens can endorse these perfectionist values and commitments even if some of them do not endorse Confucianism as a comprehensive doctrine. One of the main justifications for this

⁵⁸ Franz Fan-lun Mang, "Liberal Neutrality and Moderate Perfectionism," *Res Publica* 19 (2013): 308.

⁵⁹ Ibid.

⁶⁰ See Chapter 5 in Joseph Chan, *Confucian Perfectionism: A Political Philosophy for Modern Times* (Princeton: Princeton University Press, 2014).

moderately perfectionist approach is precisely the maximization of public welfare. However, Chan still insists on having the concept of human rights as a fallback mechanism, just in case when the state becomes much more comprehensive in a non-ideal situation. As Sungmoon Kim correctly points out, Chan's strategy draws inspiration from Jeremy Waldron's discussion of rights in general as a fallback mechanism, which is justified in a strongly deontological manner.⁶¹ Thus, there is a sense of conflict between Chan's consequentialist foundation for his moderate perfectionism and his deontological justification for including human rights as fallback. Put more broadly, moderate perfectionism, as long as its fundamental justification for state endorsement of perfectionist values is consequentialist, may not be compatible with its other commitments that are not justified consequentially. Moderate perfectionism can either make a clean break with or openly embrace deontological concerns and justifications. But both seem to undermine the theoretical appeal of the approach.

Therefore, moderate perfectionism is problematic because it can revert to more comprehensive forms of perfectionism, its holistic view of perfectionist values still risks disrespecting certain groups of citizens, and its theoretical structure faces inherent conflict. Although I do not claim to have defeated moderate perfectionism as a whole, these criticisms are enough to dismiss the asymmetric challenge from a moderate perfectionist point of view.

3.5. Conclusion

In this chapter, I have defended political liberalism against the asymmetry objection, which questions the asymmetric treatment of the right and the good that lies at the heart of

⁶¹ Sungmoon Kim, "Confucian Authority, Political Right, and Democracy," *Philosophy East & West* 67, No. 1 (January 2017): 7. Also see Jeremy Waldron, "When Justice Replaces Affection: The Need of Rights," *Liberal Rights: Collected Papers 1981-1991* (Cambridge: Cambridge University Press, 1993), 370-391.

political liberalism. I began by defending Quong's distinction between foundational and justificatory disagreements against some recent criticisms by appealing to the public conception of morality and the concentric view of the three domains of the political, the moral, and the ethical. Then, I focused on moderate perfectionism that poses special challenges to political liberalism, because the former favors promotion of perfectionist values that may not depend on comprehensive doctrines. Political liberalism can stand the challenges from the asymmetry objection.

One of the reasons why political liberalism ought to be favored over liberal perfectionism has to do with the issue of respect. I argued earlier that both liberal perfectionism, even its moderate version, necessarily shows disrespect toward certain groups of citizens. But what is respect for persons? More importantly, what does respect for persons mean in a liberal context? Can one not make the argument that the state does not show disrespect for the hermit when the promotion of perfectionist values nudges her way of life to a different direction, because the hermit is simply mistaken about or not being rational enough to realize the meaning of life? If a person is rationally capable, is it not the case that the state in fact shows its due respect for the person's rationality when it nudges her to revise or abandon the life of a hermit? These questions all lead to another crucial point of disagreement between political liberalism and liberal perfectionism. In the next chapter, I will argue that political liberalism can respond to perfectionist challenges stemming from the issue of respect. I will begin with the concept of reasonableness in Rawls' political liberalism, and I will argue that a revised understanding of the role played by the epistemic in the concept of reasonableness will provide a strong defense of political liberalism.

Chapter 4: Epistemic Reasonableness and Respect for Persons

4.1. Introduction

The concept of reasonableness has always been one of John Rawls' most controversial ideas among political liberals and liberal perfectionists alike. A central debate regarding the concept of reasonableness has to do with Rawls' inclusion of apparently epistemic elements in his discussion of reasonable comprehensive doctrines. Martha Nussbaum has recently exposed a serious ambiguity in Rawls' reference to epistemic elements that might compromise the antiperfectionist appeal of political liberalism.¹ To address this problem, Nussbaum proposes that the notion of reasonableness should be construed in an entirely ethical fashion so that political liberalism can be grounded on respect for persons without reference to epistemic elements at all. In response, Steven Wall argues against Nussbaum from a liberal perfectionist perspective that epistemic elements are indispensable for political liberalism, which in turn demonstrates the plausibility of liberal perfectionism and its ability to maintain a superior account of respect for persons.

In this chapter, I aim to further explore the ideas of epistemic reasonableness and respect for persons in political liberalism. Specifically, I will first demonstrate the complex nature of reasonableness by engaging with Rawls, Nussbaum, and Wall. I will argue that Nussbaum's radical solution is not only unnecessary but also counterproductive to the political liberal project. Instead, I will propose a revised understanding of epistemic reasonableness. I will argue that epistemic reasonableness should be analytically separated from a substantial, internal, and first-

¹ Martha Nussbaum, "Perfectionist Liberalism and Political Liberalism," *Philosophy & Public Affairs* 39, No. 1 (Winter, 2011): 3-45.

order view of rationality that serves reasonable persons in the domain of the political. The epistemic component of reasonableness should be based on a procedural, external, second-order view of rationality that helps define reasonableness without introducing strong criteria of theoretical reasoning. With this revised understanding, Wall's general criticisms against political liberalism can be addressed, and it will become clear that political liberalism can maintain its anti-perfectionist appeal even with the inclusion of an epistemic dimension in the concept of reasonableness. Finally, I will turn to the issue of respect for persons and show that Wall's alternative account of respect is problematic, and that political liberalism has the resources to address the liberal perfectionist challenge on the basis of the revised understanding of epistemic reasonableness.

4.2. Rawls, Nussbaum, and Wall on Reasonableness

The idea of the reasonable plays a central role in Rawls' political liberalism.² However, its precise meaning and scope of application are subjects to debates among political liberals and liberal perfectionists alike.³ What complicates the matter even more is the subtle yet substantial shift of meaning and emphasis when it comes to three interrelated domains: persons, comprehensive doctrines, and disagreements. At first glance, all three point to a fluid and consistent reference to the original meaning of reasonableness. According to Rawls, persons are reasonable when (1) among equals, they are "ready to propose principles and standards as fair terms of cooperation and to abide by them willingly, given the assurance that others will likewise

² Rawls' political liberal project is contingent upon the distinction between the reasonable and the rational, which Rawls draws from W. M. Sibley. See W. M. Sibley, "The Rational Versus the Reasonable," *Philosophical Review* 62 (October, 1953): 554-60.

³ See for instance Margaret Moore, "On Reasonableness," *Journal of Applied Philosophy* 13, No. 2 (1996): 167-178. Simon Caney, "Liberal Legitimacy, Reasonable Disagreement and Justice," *Critical Review of International Social and Political Philosophy* 1, No. 3 (1998): 19-36. David Estlund, "The Insularity of the Reasonable: Why Political Liberalism Must Admit the Truth," *Ethics* 108, No. 2 (January, 1998): 252-275.

do so,” and that (2) they are willing to “recognize the burdens of judgment and to accept their consequences for the use of public reason in directing the legitimate exercise of political power in a constitutional regime.”⁴ These two conditions are widely accepted as the ethical and epistemic components of the concept of the reasonable person. Furthermore, Rawls defines reasonable comprehensive doctrines as including three main features:

- (1) A reasonable doctrine is an exercise of theoretical reason.
- (2) Both theoretical and practical reason (including as appropriate the rational) are used together in its formulation.
- (3) While a reasonable comprehensive view is not necessarily fixed and unchanging, it normally belongs to, or draw upon, a tradition of thought and doctrine. Although stable over time, and not subject to sudden and unexplained changes, it tends to evolve slowly in the light of what, from its point of view, it sees as good and sufficient reasons.⁵

Finally, the idea of reasonable disagreements, according to Rawls’ original formulation, “involves an account of the sources, or causes, of disagreement between reasonable persons.”⁶ These sources are precisely the burdens of judgment “involved in the correct (and conscientious) exercise of our powers of reason and judgment in the ordinary course of political life.”⁷ Again, Rawls attributes the burdens of judgment to the theoretical use of reason when he elaborates on the sources of disagreements:

- (1) The evidence – empirical and scientific – bearing on the case is conflicting and complex, and thus hard to assess and evaluate.
- (2) Even where we agree fully about the kinds of considerations that are relevant, we may disagree about their weight, and so arrive at different judgments.
- (3) To some extent all our concepts, and not only moral and political concepts, are vague and subject to hard cases; and this indeterminacy means that we must rely on judgment and interpretation (and on judgments about interpretations) within

⁴ John Rawls, *Political Liberalism*, Expanded Edition (New York: Columbia University Press, 2005), 49, 54.

⁵ *Ibid.*, 59.

⁶ *Ibid.*, 55.

⁷ *Ibid.*, 55-56.

some range (not sharply specifiable) where reasonable persons may differ.

(4) To some extent (how great we cannot tell) the way we assess evidence and weigh moral and political values is shaped by our total experience, our whole course of life up to now; and our total experiences must always differ. Thus, in a modern society with its numerous offices and positions, its various divisions of labor, its many social groups and their ethnic variety, citizens' total experiences are disparate enough for their judgments to diverge, at least to some degree, on many if not most cases of any significant complexity.⁸

Martha Nussbaum is thus correct to point out that there is a substantial emphasis on epistemic reasonableness in the definition of reasonable comprehensive doctrine, since "it incorporates some fairly strong theoretical criteria" that are not clearly entailed by the epistemic condition for reasonable persons.⁹ Despite Rawls' intention to keep his account of reasonable comprehensive doctrines "deliberately loose" so as to "avoid excluding doctrines as unreasonable without strong ground based on clear aspects of the reasonable itself," Nussbaum concludes that "many doctrines [such as worldviews based on astrology, New Age religion, and so on] affirmed by reasonable citizens (in the ethical sense, respectful of one another)" do not meet these rather exacting theoretical standards.¹⁰ The same can be said about the definition of reasonable disagreements, where the theoretical use of reason shapes the burdens of judgment. These epistemic standards, argues Nussbaum, carry Rawls uncomfortably close to perfectionism similar

⁸ Ibid., 56. In addition to the four sources that apply to the theoretical use of reason, Rawls also provides two other sources: (5) "Often there are different kinds of normative considerations of different force on both sides of an issue and it is difficult to make an overall assessment"; (6) "Finally . . . any system of social institutions is limited in the values it can admit so that some selection must be made from the full range of moral and political values that might be realized. This is because any system of institutions has, as it were, a limited social space. In being forced to select among cherished values, or when we hold to several and must restrict each in view of the requirements of the others, we face great difficulties in setting priorities and making adjustments. Many hard decisions may seem to have no clear answer." Ibid., 57.

⁹ Martha Nussbaum, "Perfectionist Liberalism and Political Liberalism," *Philosophy & Public Affairs* 39, No. 1 (Winter, 2011): 25. Samuel Freeman also holds a similar view, see Samuel Freeman, *Rawls* (New York: Routledge, 2007), 346. For more recent discussion on this issue, see Fabienne Peter, "Epistemic Foundations of Political Liberalism," *Journal of Moral Philosophy* 10 (2013): 598-620. Federica Liveriero, "The Epistemic Dimension of Reasonableness," *Philosophy & Social Criticism* 41, No. 6: 517-535.

¹⁰ John Rawls, *Political Liberalism*, Expanded Edition (New York: Columbia University Press, 2005), 59. Martha Nussbaum, "Perfectionist Liberalism and Political Liberalism," *Philosophy & Public Affairs* 39, No. 1 (Winter, 2011): 25.

to the position held by Joseph Raz and Isaiah Berlin.¹¹ What troubles Nussbaum even more is the implication that many comprehensive doctrines that people endorse today, even some mainstream religions, may not be able to pass the test of theoretical reason and hence the test of reasonableness because they are grounded on irrational beliefs, and that persons who adopt these doctrines will also be judged as unreasonable and treated with disrespect.

In order to avoid this alarming shift toward perfectionism, Nussbaum proposes a radical solution to cut the tie between political liberalism and epistemic elements by defining reasonable persons solely in terms of their ethical reasonableness, defining reasonable comprehensive doctrines as those adopted by ethically reasonable persons, and defining reasonable disagreements without reference to burdens of judgment.¹² Nussbaum suggests that Rawls already hints at a deeper reason why citizens will endorse political liberalism without making reference to epistemic elements and the burdens of judgment: “The reason is that they respect their fellow citizens, and respect them as equals.”¹³ Unlike Rawls and Larmore who allude to the special epistemic difficulty created by the burdens of judgment, Nussbaum tries to ground the political liberal project on “respect alone, without alluding to the special difficulties of judgment.”¹⁴ At first glance, this radical proposal *does* have two distinct advantages. First, the reasonableness of persons now refers only to the ethical sense without reference to the epistemic

¹¹ Martha Nussbaum, “Perfectionist Liberalism and Political Liberalism,” *Philosophy & Public Affairs* 39, No. 1 (Winter, 2011): 16.

¹² To be fair, Nussbaum *does* point out that “the burdens of judgment might then still enter into the thinking of such citizens when they think about why they should not insist on the truth of their doctrine in the public realm. But that is enough use for them: reasonable citizens should not be in the business of looking over the shoulders of their fellow citizens to ask whether their doctrines contain an acceptably comprehensive and coherent exercise of theoretical reason.” Ibid.: 29.

¹³ Ibid.: 17. Nussbaum is aware of the Kantian connotation of respect for persons, and she points out that it is possible to “endorse [respect for persons] for political purposes without thereby endorsing a comprehensive Kantian doctrine or any other specific comprehensive doctrine.”¹³ But the idea of respect of persons can be constructed as respect for persons’ moral status as free and equal citizens without the Kantian connotation. Ibid.: 18.

¹⁴ Ibid.: 20.

elements, thus making political liberalism less likely to appear perfectionist. Second, by shifting the emphasis away from the epistemic, it is clear that “respect is for persons, not directly for the doctrines they hold, and yet respect for persons leads to the conclusion that they ought to have liberty to pursue commitments that lie at the core of their identity,” which addresses the problem of exclusion, because it creates a lower threshold for comprehensive doctrines to qualify as reasonable.¹⁵

However, from a liberal perfectionist perspective, Nussbaum’s proposal to ground political liberalism solely on respect for persons does not solve the problem. According to Steven Wall, the notion of reasonableness is “a fault line in political liberalism,” primarily because of political liberalism’s treatment of epistemic elements.¹⁶ Nussbaum’s proposal to eliminate epistemic elements from the notion of reasonableness is not plausible, because it substantially increases the likelihood that a sound conception of justice will be excluded by political liberalism.¹⁷ Specifically, Wall uses what he calls the “overlapping consensus test” to demonstrate that accepting a political conception of liberalism has substantial cost. Among a specified group of reasonable citizens that Wall refers to as *G*:

If one accepts that legitimacy is a constraint on justice, then any conception of justice that could be reasonably rejected by a member of *G* must not be enforced. If one thought, in addition, that the set of conceptions of justice that could be legitimately enforced in a political society did not include the correct or best conception of justice, then one would need to conclude that legitimacy obstructs the realization of justice in that society.¹⁸

In Wall’s opinion, how *G* is specified will affect the magnitude of the cost: “A loose specification of *G* will grant more persons rejection rights over the enforcement of justice,

¹⁵ Ibid.: 17.

¹⁶ Steven Wall, “Perfectionism, Reasonableness, and Respect,” *Political Theory* 42, No. 4 (2014): 469.

¹⁷ Ibid.: 472.

¹⁸ Ibid.: 471.

thereby increasing the likelihood that the correct or best conception of justice will be excluded.”¹⁹ Nussbaum does just that by proposing to eliminate epistemic elements from the notion of reasonableness so that citizens, as long as they are ethically reasonable, are included in *G* regardless of how epistemically unreasonable they can be. This is a significant cost since the larger the group that is given rejection rights, “the greater the likelihood that an otherwise sound conception of justice will be excluded by the overlapping consensus test.”²⁰ An added complexity is made evident when Wall distinguishes reasonable citizens’ challenge to the epistemic reasonableness of another citizen’s comprehensive *doctrine* from their challenge to the epistemic reasonableness of her *conclusion* that her acceptance of this doctrine gives her reasonable grounds to reject the proposed conception of justice:

Suppose now that an ethically reasonable, but epistemically unreasonable, citizen is included in *G* and that she rejects a proposed conception of justice that others members of *G* judge to be acceptable. The proposed conception of justice, let us imagine, is one that could be epistemically justified to her, given her comprehensive beliefs. Given readily available evidence and simple demands of consistency, it could be shown to her that she has no reason to reject the proposed conception of justice. In pressing this claim, other ethically reasonable citizens would not need to criticize this citizen’s comprehensive beliefs as epistemically unreasonable, but they would need to characterize her rejection of the proposed conception of justice as epistemically unreasonable.²¹

In other words, even if the epistemic reasonableness of a person’s comprehensive doctrine is set aside, epistemic elements are still needed if the person is not rational enough to recognize that her comprehensive beliefs are in fact consistent with the proposed conception of justice. Without the epistemic dimension, Wall does not think that Nussbaum can offer a convincing account to explain why the proposed conception of justice can be fairly imposed on the citizen. If epistemic

¹⁹ Ibid.

²⁰ Ibid. In Wall’s opinion, in order to avoid this cost, the content of justice must be adjusted in order to accommodate epistemically unreasonable citizens, which overburdens political liberalism and risks losing a perfectly sound conception of political justice.

²¹ Ibid.: 474.

elements are included in the notion of reasonableness, a potentially reasonable version of the person would be able to recognize that she could reasonably accept the proposed conception of justice, which justifies the imposition of the conception over the still epistemically unreasonable self. These criticisms lead to the conclusions that a plausible standard of reasonable rejectability for political liberalism “must include at least some epistemic elements in its construal of reasonableness.”²² If so, liberal perfectionism appears to have a stronger case than political liberalism, because the former is much more open and versatile toward epistemic elements. On the basis of this objection, Wall further argues that liberal perfectionism can maintain a stronger account of respect for persons because of the former’s emphasis on rational capacity. To respect a person means not only to respect her free and equal moral status but also her capacity to respond to reasons. Wall thus thinks that it is liberal perfectionism can offer an even more appealing account of respect for persons.

Besides criticisms from the liberal perfectionist side, Nussbaum’s radical proposal will also face scrutiny from the political liberal side. One of the most pressing issues has to do with the justification of reasonable pluralism. Although Nussbaum is right to claim that her proposal offers a new ground for political liberalism by virtue of replacing the burdens of judgment with respect for persons as free and equal citizens, she overlooks a crucial consequence of this replacement. In addition to defining epistemic reasonableness, the idea of the burdens of judgment also serves to offer justification of reasonable pluralism, which motivates Rawls to construe the political liberal project in the first place. According to Rawls, “the diversity of reasonable comprehensive religious, philosophical, and moral doctrines found in modern democratic societies is not a mere historical condition that may soon pass away; it is a permanent

²² Ibid.: 475.

feature of the public culture of democracy.”²³ This description of the permanent fact of reasonable pluralism may be intuitive for those subscribe to the general paradigm of political liberalism, but it is not at all evident for others.²⁴ For a comprehensive perfectionist, value pluralism may be seen as a mistaken view that ought to be corrected, which is not the case for Rawls, who argues that reasonable pluralism is “the inevitable outcome of free human reason.”²⁵ From this perspective, references to theoretical reason in Rawls’ account of reasonableness serve to justify reasonable pluralism so that political liberalism can have a legitimate starting point. Nussbaum *does* recognize this point, and she suggests that Rawls “would probably need to articulate his account of the burdens of judgment as a series of historical or sociological observations about modernity, rather than as a basis for the normative distinction between reasonable and unreasonable doctrines” were he to adopt her proposal. But Rawls already has such arguments. In Rawls’ opinion, modern constitutional democracies have origins in “the Wars of Religion following the Reformation and the subsequent development of the principle of toleration, and in the growth of constitutional government and of large industrial market economies.”²⁶ This tradition requires that a workable conception of justice “must allow for a diversity of general and comprehensive doctrines, and for the plurality of conflicting, and indeed incommensurable, conceptions of the meaning, value, and purpose of human life [i.e. conceptions of the good] affirmed by the citizens of democratic societies.”²⁷ Whether or not a

²³ John Rawls, *Political Liberalism*, Expanded Edition (New York: Columbia University Press, 2005), 36.

²⁴ For many, the question of “why be pluralist” should be answered in a satisfying way before considering the political liberal proposal. For a discussion on a pluralistic approach to addressing the issue of reasonable pluralism, see Alessandro Ferrara, “Reflexive Pluralism,” *Philosophy & Social Criticism* 36, No. 3-4 (April, 2010): 353-364.

²⁵ John Rawls, *Political Liberalism*, Expanded Edition (New York: Columbia University Press, 2005), 37. For a perfectionist view that could lead to a denial of reasonable pluralism, see Joseph Chan, “Confucian Attitude Toward Ethical Pluralism,” *Confucian Political Ethics*, ed. Daniel Bell (Princeton, NJ: Princeton University Press, 2008).

²⁶ John Rawls, “The Idea of an Overlapping Consensus,” *Collected Papers* (Cambridge: Harvard University Press, 1999), 424.

²⁷ *Ibid.*

solely historical and sociological argument is sufficient as a justification for reasonable pluralism is beyond the scope of this discussion, but the fact that Rawls feels the need to include epistemic elements in the central concept of reasonableness suggests at least a certain degree of necessity. Nussbaum is therefore too quick to dismiss one of Rawls' core strategies in the political liberal project.

It seems that political liberalism is confronted with an impasse at this point. On the one hand, Nussbaum's proposal to eliminate epistemic elements invites criticism from both liberal perfectionists and political liberals. On the other hand, insisting on the inclusion of epistemic elements in the way Rawls did not only risks political liberalism becoming more perfectionist but also adds to the plausibility of liberal perfectionism. In the next section, I will argue that there is a third approach that avoids this impasse. Wall's liberal perfectionist challenges are largely based on the premise that epistemic reasonableness is intimately connected with a substantial view of individual rationality. However, it is possible to draw a distinction between what I will call a weak view of rationality that is procedural, external, and second-order, which helps define reasonableness, and a strong view of rationality that is substantial, internal, and first-order, which serves reasonable persons in the domain of the political. If epistemic reasonableness is analytically detached from the strong view of rationality, it is possible to say, as Rawls did, that being reasonable is "not an epistemological idea . . . though it has epistemological elements."²⁸ Unlike Nussbaum's approach, this revised understanding of reasonableness maintains an epistemic dimension. Against Wall's objections, it will not make political liberalism perfectionist. In addition, it will demonstrate that Wall's liberal perfectionist account of respect for persons is problematic.

²⁸ John Rawls, *Political Liberalism*, Expanded Edition (New York: Columbia University Press, 2005), 62.

4.3. The Role of the Epistemic in the Idea of Reasonableness

One of the sources of the burdens of judgment, according to Rawls, has to do with our experience, because “the way we assess evidence and weigh moral and political values is shaped by our total experience, our whole course of life up to now; and our total experiences must always differ.”²⁹ Experience shapes a majority of our beliefs, some of which can be shared with others whereas others cannot. Colin Bird draws a distinction between “beliefs whose grounds of dispute are transparent and beliefs whose grounds of dispute are opaque.”³⁰ Disputes in the natural and mathematical sciences, for instance, are usually considered to be grounded on transparent grounds, because “the experience which leads support to the conclusion is interpersonally accessible in this way, anyone can identify gaps in the proof and show us all that we were wrong” to think otherwise.³¹ Religious conversion experiences, on the other hand, are the paradigmatic examples of beliefs whose grounds of dispute are opaque, because the they cannot be made available to people external to the experiences. Bird’s crucial observation from an experiential point of view is that epistemic equality is present when the grounds of dispute are both transparent and opaque. Although in the former case epistemic equality is ideally realized, in the latter case the fact that “a speaker’s experience cannot be verified and interpreted by outsiders does not mean that epistemic equality drops out of the picture entirely.”³² The reason is that the conclusions people draw from their unique experiences still “carry epistemic weight for them because they consider that had others had the same experience, they would have endorsed

²⁹ Ibid., 56-57.

³⁰ Colin Bird, “Mutual Respect and Neutral Justification,” *Ethics*, 107, No. 1 (Oct., 1996): 71.

³¹ Ibid.: 72. This of course applies beyond the domain of scientific understanding.

³² Ibid.: 73-74.

those reactions.”³³ For instance, if one truly believe that there is no salvation outside the church, then it must mean that this belief could potentially be accepted by others, given their own unique or shared religious experiences.

These observations are significant because they show that it is possible to make an argument for epistemic equality without relying on a substantial account of rationality that attaches to particular comprehensive doctrines. Given the same experiences and evidential basis, different epistemic agents will consider the same beliefs as justified. That a person finds her own comprehensive doctrine rationally true and ought to be endorsed by all does not take away the fact that other people, from their own experiential perspectives and based on equal procedural rationality, can make the same statement. In other words, one need not appeal to a substantial view of rational deliberation and internal resource of one’s own comprehensive doctrine in order to acknowledge a sense of equality derived from a procedurally rational view regarding alternative comprehensive doctrines. Even a fundamentalist who wishes to impose her comprehensive doctrine on others must at least assume that the imposition could work because others are epistemically capable of understanding and accepting her position, once they had similar experiences as she did. Epistemic equality is still assumed in this extreme case, even if the fundamentalist cannot rationally derive it from solely within her own comprehensive doctrine.³⁴

There are two layers of rationality at work here. On the one hand, the layer of rationality that arrives at epistemic equality from an experiential perspective does not directly determine a

³³ Ibid.: 74.

³⁴ It is worth pointing out that Bird’s argument for epistemic equality is based on the premise that “we formulate our beliefs on the basis of experiences to which we have been exposed.” Although one might argue that at least some beliefs are supported by arguments rather than experience, Bird argues that “an argument is nothing other than an attempt to put an interlocutor through a certain experience, to make her ‘see’ the relevant factors in the appropriate light, and hence to lend support to a particular conclusion.” Ibid.: 71. Footnote 22.

person's actions and decisions in life. Instead, it is a background awareness or even unconscious assumption that relies on the peripheral rational capacity to make sense of one's experience in relation to other people. I will refer to this weak view of rationality that leads to epistemic equality as epistemic rationality. Although it does not directly influence our actions and decisions, epistemic rationality nonetheless serves rational deliberation in the political context in that the former creates an intersubjective space where different comprehensive doctrines can coexist without being treated unequally. It is therefore fair to characterize epistemic rationality as procedural and external—procedural because it need not rely on a particular comprehensive doctrine and does not directly influence a person's actions and decisions, and external because it primarily operates in an intersubjective space where different comprehensive doctrines adopted by different persons interact with one another. On the other hand, there is a layer of rationality immediately related to a person's deliberation according to her comprehensive doctrine. A person's decision to go to church every Sunday is directly influenced by her religious obligation grounded within her own comprehensive doctrine, regardless of what may be the case according to others and their beliefs. I will refer to this strong view of rationality as practical rationality, which is usually what we mean by individual rationality, because it is intimately related to the exercise of theoretical reason according to an individual's beliefs and commitments. Practical rationality is thus substantial and internal, because it operates to guide a person's actions and decisions according to her comprehensive doctrine, and it need not take other people and their beliefs into consideration.

It will be remembered that the idea of reasonableness in political liberalism has both an ethical and an epistemic component according to Rawls. A person is reasonable in the ethical sense if she accepts the moral freedom and equality of persons and is willing to propose and

abide by fair terms of social cooperation, provided that others do so as well. A person is reasonable in the epistemic sense if she accepts the burdens of judgment and certain theoretical criteria for reasonable belief.³⁵ For liberal theorists, ethical reasonableness is not nearly as problematic as epistemic reasonableness. Epistemic reasonableness, however, leads political liberalism to an impasse: eliminating epistemic elements entirely will lose a strong justification for reasonable pluralism, which serves as the founding factor for political liberalism, but keeping epistemic elements opens the door for perfectionism, because epistemic reasonableness assumes a substantial connection with theoretical reason. However, with the distinction between epistemic rationality and practical rationality, an alternative solution becomes available. In what follows, I will show that including an epistemic dimension in the idea of reasonableness need not entail a strong connection with theoretical reason that risks pushing political liberalism to the perfectionist side. Based on the layered view of rationality, we can revise the meaning of epistemic reasonableness on the basis of the procedural and external view of epistemic rationality that, together with its ethical counterpart, helps *define* the reasonable, which is to be distinguished from the substantial and internal view of practical rationality that *serves* reasonable persons in the domain of the political.

In *Political Liberalism*, Rawls follows W. M. Sibley's original discussion and distinguish between the rational, which refers to a person's intelligence to pursue her own ends, and the reasonable, which necessarily takes into consideration other persons who are willing to govern their conduct by a principle from which they and others can reason in common, as well as the consequences of their actions on others' well-being.³⁶ In other words, the main difference

³⁵ Steven Wall, "Perfectionism, Reasonableness, and Respect," *Political Theory* 42, No. 4 (2014): 471.

³⁶ John Rawls, *Political Liberalism*, Expanded Edition (New York: Columbia University Press, 2005), 49, Footnote 1.

between the reasonable and the rational has to do with the former's external dimension involving other people, rather than the strictly internal process usually associated with the latter. This crucial difference suggests that the essence of epistemic reasonableness need not be constrained by a substantial account of rationality burdened by specific criteria of theoretical reason. Instead, their relationship can be mapped onto that between the procedural and external view of epistemic rationality and the substantial and internal view of practical rationality. Rather than understanding epistemic reasonableness as accepting the burdens of judgment and certain theoretical criteria for reasonable belief as Rawls originally puts it, we can understand being epistemically reasonable as being willing to acknowledge epistemic equality among persons and respect each other's authority to use theoretical reason accordingly, because the procedural and external use of epistemic rationality from an experiential perspective leads to epistemic equality and mutual respect. Together with the unchanged ethical component of reasonableness, we can understand reasonable persons as those who are

(1) willing to propose and abide by fair terms of social cooperation, provided that others do so as well, and respect each other's free and equal moral status,

and

(2) willing to acknowledge epistemic equality among persons and respect each other's authority to use theoretical reason accordingly.

This revised understanding of reasonableness can move political liberalism out of the impasse mentioned earlier, primarily because a person's epistemic reasonableness and her practical rationality now operates on different levels. In the domain of the political, epistemic reasonableness now becomes a second-order condition to the first-order operation of practical rationality.³⁷ Similar to its ethical counterpart, epistemic reasonableness serves to both qualify

³⁷ Here I rely on Harry Frankfurt's classic distinction between first-order and second-order desires. According to Frankfurt, besides wanting and choosing and being moved to do this or that, 'men may also want to have (or not to

persons as participants of public reason and regulate the use of theoretical reason in the domain of the political.³⁸ If a person wishes to participate in public discourse by explicitly relying on her comprehensive doctrine and dismissing epistemic equality, then she is not epistemically reasonable, which disqualifies her from participation in the domain of the political, regardless of how practically rational she might be. Moreover, according to this revised view, a person who is ethically and epistemically reasonable *can* endorse irrational doctrines, because the internal endorsement relies on her practical rationality rather than her epistemic reasonableness.

Nussbaum's examples of astrologers and New Age religionists can be included as epistemically reasonable persons, as long as they acknowledge epistemic equality and respect others' authority to practice theoretical reason according. Thus, this alternative account of reasonableness based on the revised understanding of its epistemic component satisfies both Rawls' original intention to subordinate the rational to the reasonable, and Nussbaum's goal to make political liberalism less exclusive. But unlike Nussbaum's radical proposal, this alternative view does not sacrifice the epistemic dimension. Instead, epistemic reasonableness and practical rationality are located in different layers and serve different functions in the political context. As for Rawls' account of the burdens of judgment, which relies heavily on the actual use of theoretical reason, it can be reconstructed as a justification of the permanent fact of reasonable pluralism, which, together with the historical argument for reasonable pluralism, ensure the validity of the political liberal project.

have) certain desires and motives' according to some principles or standards that are not reducible to these desires and motives. This higher level will to go through or refrain from going through our basic desires and motives are referred to by Frankfurt as second-order desires or second-order volitions. In a similar fashion, epistemic reasonableness serves to regulate a person's use of theoretical reason in the domain of the political. Harry Frankfurt, "Freedom of the Will and the Concept of a Person," *The Inner Citadel: Essays on Individual Autonomy*, ed. John Christman (Oxford: Oxford University Press, 1989), 63-76.

³⁸ It is worth pointing out that although the layered distinction between epistemic rationality and practical rationality still exists outside the political domain, the first-second-order relationship might not maintain outside the political domain when a person is free to be unreasonable.

We will now turn to the worry that the inclusion of epistemic elements will push political liberalism toward perfectionism, and Wall's liberal perfectionist objections against political liberalism that are precisely based on the necessity to include an epistemic dimension in political liberalism. Both can be addressed by the revised understanding of reasonableness, because the potentially perfectionist implications are separated from the epistemic view of rationality. Epistemic rationality leads to epistemic equality, which contributes to the reasonableness of persons in the domain of the political. The revised understanding of epistemic reasonableness is detached from the substantial, internal, and first-order practice of rationality that relies heavily on the actual use of theoretical reason, which is the source of the perfectionist implications according to Nussbaum. Nussbaum is thus correct in her diagnosis of the problem found in Rawls' original formulation of the idea of reasonableness, but she goes too far to realize the possibility of an alternative solution that maintains the epistemic dimension without producing perfectionist implications.

Wall's objections can be addressed accordingly. It will be recalled that one of Wall's objections from the previous section is that Nussbaum's proposal to eliminate references to epistemic elements from political liberalism necessarily increases the risk of rejecting a perfectly sound conception of justice, because it is likely that epistemically unreasonable citizens will now be included in the group of citizens who have rejection rights. This objection no longer applies if the epistemic component of reasonableness is preserved in our revised understanding, where epistemic reasonableness works with ethical reasonableness to determine who should be given rejection rights. The cost of political liberalism is not as great as Wall thinks.

However, Wall might respond by appealing to his other objection, which says that it is still possible for an ethically reasonable person to reject a sound conception of justice for bad

epistemic reasons.³⁹ Even if we put aside the reasonableness of the person's comprehensive doctrine, it is likely that the person will fail to recognize that her comprehensive beliefs are in fact consistent with the proposed conception of justice. In other words, "other ethically reasonable citizens would not need to criticize this citizen's comprehensive beliefs as epistemically unreasonable, but they would need to characterize her rejection of the proposed conception of justice as epistemically unreasonable."⁴⁰ On the one hand, political liberalism cannot claim that the imposition of the proposed conception of justice on this person is justified and fair without this epistemic dimension. On the other hand, conceding the necessity for the epistemic dimension will open the door for perfectionism. The appeal of this objection disappears when the distinction between epistemic reasonableness and practical rationality is taken into consideration. What exactly does Wall mean by "bad epistemic reasons"? According to the layered view of rationality, being epistemically unreasonable, which refers to the person's failure to recognize epistemic equality and unwillingness to guide her practical rationality accordingly, is not the same as being practically irrational, which refers to the person's inability to properly deliberate according to her comprehensive doctrine. Wall's example of the ethically reasonable but epistemically unreasonable person can now mean three things. First, the person in the example is both epistemically unreasonable and practically irrational. Second, the person is epistemically unreasonable but practically rational. In both cases, the person, contrary to Wall's characterization, is excluded from *G* because only reasonable persons have rejection rights.⁴¹ So Wall's example no longer applies in these two scenarios. Third, the ethically reasonable person can be both epistemically reasonable, which makes her a member of *G*, but practically irrational,

³⁹ Steven Wall, "Perfectionism, Reasonableness, and Respect," *Political Theory* 42, No. 4 (2014): 471.

⁴⁰ *Ibid.*, 474.

⁴¹ Wall uses "*G*" to refer to the group of reasonable citizens who have rejection rights.

which leads her to reject the proposed conception of justice. This is the only scenario where Wall's objection might still hold. The question now becomes: why is the proposed conception of justice fairly imposed on the person whose rejection of it is based on practically irrational deliberation? The answer depends on whether the person is genuinely reasonable in the epistemic sense. If her reason for rejecting the proposed conception of justice is solely based on the failure to deliberate according to or misunderstanding of certain aspects of her comprehensive doctrine, then even if "readily available evidence and simple demands of consistency" can make the person come to the eventual conclusion that the proposed conception of justice is acceptable, this practice of rationality does not make the person epistemically more reasonable, only more rational. The fact that her reason for rejection is drawn solely from the person's comprehensive doctrine that others might not reasonably endorse disqualifies her as genuinely reasonable.

On the other hand, it is also possible that the person not only satisfies the criteria of ethical and epistemic reasonableness but also do not appeal to comprehensive considerations in her rejection of the proposed conception of justice. What is practically irrational about her is the failure to deliberate according to or misunderstanding of certain publicly justifiable ideas, principles, or standards that serve the political purpose of arriving at a reasonable conception of justice. Wall would argue that political liberalism cannot justify the imposition of the conception of justice over this person without reintroducing strongly epistemic elements such as criteria of theoretical reason as Rawls did. However, in this case, the disagreement between the person and the rest of the group of reasonable citizens is justificatory rather than foundational.⁴² As discussed in Chapter 3, if participants do not share any premises which can serve as a mutually acceptable standard of justification, the disagreements among them are foundational.⁴³ In the

⁴² See a detailed explanation and defense of this distinction in Chapter 3.

⁴³ Ibid., 193.

earlier scenario where the person's practical irrationality is the consequence of her failure to deliberate according to or misunderstanding of her comprehensive doctrine, the disagreement she has with other reasonable citizens is foundational, because the latter do not necessarily share her comprehensive beliefs and commitments. Nevertheless, in the current scenario where the person's practical irrationality is due to her failure to deliberate according to or misunderstanding of certain shared political values, the disagreement is instead justificatory, which occurs when participants do share premises that serve as a mutually acceptable standard of justification, but they nevertheless disagree about certain substantive conclusions. Although Jonathan Quong does not go into the case where a person's practical irrationality interferes with her decisions to accept or reject a conception of justice, his characterization of justificatory disagreement over justice leaves room for such a possibility. According to Quong, all reasonable justificatory disagreements about justice will have several features: "(a) all the parties must be sincere, (b) the conflicting positions must be grounded in free standing political values, and (c) the conflicting arguments must represent a plausible balance of political values."⁴⁴ It is possible to image a person who shares all three features with the rest of the group but nonetheless rejects the substantive conclusion agreed among everyone else because she fails to apply her practical rationality in the most appropriate and efficient manner. It is certainly possible to push the person to see how a more rational version of herself should be able to endorse the proposed conception of justice, but it need not be the only solution for political liberalism. In fact, as I will argue in the next section, so doing will show disrespect toward the person's status as free and equal citizens in a liberal democracy, which is a serious problem with Wall's liberal perfectionist account of respect for persons. As Quong correctly observes, public reason is inconclusive in

⁴⁴ Ibid., 207.

certain instances.⁴⁵ But the fact of inconclusiveness “should not lead us to believe that it would be illegitimate for the state to act on the basis of either argument.”⁴⁶ In fact, contrary to Wall’s emphasis on rejection rights, Rawls’ standard of liberal legitimacy asserts that the state should not act on grounds that citizens cannot “reasonably be expected to endorse.”⁴⁷ As long as the person is genuinely reasonable in both the ethical and epistemic sense, it is sufficient to show that a sound conception of justice is fairly imposed on her even if she might disagree with it due to her failure to deliberate according to or misunderstanding of certain shared political values.

By now it should be clear that as long as epistemic rationality and practical rationality are distinguished, political liberalism can maintain its antiperfectionist essence by appealing to the procedural, external, and second-order view of rationality that leads to epistemic equality from an experiential perspective without implying the necessity for substantial, internal, and first-order practice of rationality that Wall has in mind. This revised understanding of epistemic reasonableness thus avoids the impasse confronting political liberalism. Based on his objections against Nussbaum’s proposal, Wall also claims that liberal perfectionism is able to propose an equally, if not more compelling account of respect for persons. In the next section, I will argue that Wall’s alternative account is problematic. Understanding epistemic reasonableness in the revised sense also strengthens the case for political liberalism when it comes to the idea of respect for persons.

⁴⁵ Quong gives two examples. The first deals with the morality of recreational drug use, and the second deals with the (injustice) of allowing the Catholic Church to discriminate on the basis of gender when employing priests. See Ibid., 208-209.

⁴⁶ Ibid., 209.

⁴⁷ John Rawls, *Political Liberalism*, Expanded Edition (New York: Columbia University Press, 2005), 137.

4.4. Respect for Persons Revisited

Respect for persons has always been a political liberal weapon against perfectionism. For instance, Kantian liberals have constructed two major arguments against perfectionists based on respect. On the one hand, some argue that “a perfectionist state has a tendency to severely restrict its citizens’ autonomy and to generate conflict as a result.”⁴⁸ On the other hand, others argue that “it would be objectionable for a state to enforce conceptions of the good since citizens reasonably disagree about their truth.”⁴⁹ Despite their common presence in the debate between liberalism and perfectionism, neither arguments relies on a consensus on what exactly respect means. Previous discussions on reasonableness point to a much clearer understanding. It should now become evident that both ethical and epistemic components of reasonableness require a sense of respect for persons. From an ethical point of view, a person is owed respect for her free and equal moral status under the condition of fair social cooperation. From an epistemic point of view, a person is owed respect for her authority to practice her theoretical reason under the condition of epistemic equality. Moreover, respect in political liberalism is respect for reasonable persons, not their comprehensive doctrines. As long as an ethically reasonable person is willing to acknowledge epistemic equality when entering the domain of the political, she is epistemically reasonable, regardless of the rationality of doctrines she might endorse. Finally, the context of this respect for persons is certainly a political one, where the coercive power of the state needs to be justified.⁵⁰ By virtue of being reasonable, the person should be respected and ought not to be

⁴⁸ Thaddeus Metz, “Respect for Persons and Perfectionist Politics,” *Philosophy & Public Affairs* 30, No. 4 (Autumn, 2001): 418.

⁴⁹ Ibid.

⁵⁰ Nussbaum also discusses this issue: “For a public official in a leading role to say “X’s doctrine is not as well grounded as Y’s” is, inevitably, to denigrate X, and we want our political principles to show equal respect to X and Y. We must, then, avoid defining “reasonable” in a way that denigrates the grounds of some people’s doctrines: to do otherwise is to violate the very abstemiousness toward controversial epistemological and metaphysical doctrines that political liberalism rightly asks us to insist upon.” Martha Nussbaum, “Perfectionist Liberalism and Political Liberalism,” *Philosophy & Public Affairs* 39, No. 1 (Winter, 2011): 33.

treated with state interference regarding her comprehensive doctrines.

In contrast, on the basis of a tight connection between practical rationality and epistemic reasonableness, Wall argues that a liberal perfectionist account of respect for persons should

acknowledge that persons, understood as rational agents, have the rational capacity to revise or abandon any commitment they have, even if it is very unlikely that they will do so. Put otherwise, respecting persons requires us to view them as beings who are not stuck with their commitments, but rather as beings that have the *capacity* to assess, and if called for to revise or abandon, their commitments in response to the reasons for having them. A view of reasonableness that includes epistemic as well as ethical elements can take proper account of this aspect of respect for persons . . . On the alternative view that I am proposing, a person's identity and conscience are not fixed by the comprehensive doctrines she currently affirms. *The state may respect a person fully even as it seeks to get her to revise her comprehensive commitments in response to the reasons she has for doing so.*⁵¹

To see the problem with this account, we can recall Stephen Darwall's classic distinction between recognition respect and appraisal respect. According to Darwall, to have recognition respect for someone is "to give appropriate weight to the fact that he or she is a person by being willing to constrain one's behavior in ways required by that fact."⁵² In contrast, appraisal respect is "a positive appraisal of an individual made with regard to those features which are excellences of persons. As such, it is not owed to everyone, for it may or may not be merited."⁵³ Thus, when it comes to respect for persons, we have two conceptions. On the one hand, respect for persons can refer to the status of persons as such, regardless of their characteristic merits. In a liberal political context, the status of persons refers to their freedom and equality by virtue of being citizens of a liberal democracy.⁵⁴ On the other hand, respect for persons can also refer to particular characteristics of persons. According to this conception, a person's merits *do* matter. A

⁵¹ Steven Wall, "Perfectionism, Reasonableness, and Respect," *Political Theory* 42, No. 4 (2014): 478. Emphasis added.

⁵² Stephen Darwall, "Two Kinds of Respect," *Ethics* 88, No. 1 (Oct., 1977): 45.

⁵³ *Ibid.*

⁵⁴ This is crucial, because beyond the domain of the political people deserve to be respected for much wider reasons.

person who won the world ski championship deserves more respect from others than a person who merely started to learn how to ski. Thus, unlike recognition respect, appraisal respect is not owed to everyone. This distinction also brings out a sense of priority of recognition over appraisal when it comes to genuine respect for persons. In a liberal political context, genuine respect for a person requires recognition of her moral status as free and equal, only on the basis of which does appraisal respect take place.

The political liberal conception of respect for persons refers to the recognition of the requirement to be ethically and epistemically reasonable. However, being epistemically reasonable no longer requires persons to adopt only rational doctrines. As long as an ethically reasonable person is willing to acknowledge epistemic equality when entering the domain of the political, she is fully reasonable, regardless of the rationality of the doctrine she might endorse. By virtue of being reasonable, the person should be respected and ought not to be treated with state interference regarding her comprehensive doctrines. Wall's liberal perfectionist conception of respect for persons is not so straightforward. For instance, in one of Wall's examples, he speaks of two different versions of the same person—one less practically rational and hence less epistemically reasonable, and the other more so.⁵⁵ Is this person owed the same kind of respect from the state in both versions of herself because of her rational *capacity* according to Wall? If the answer is yes, then one may wonder why the liberal state has the need to get involved and make, directly or indirectly, the person epistemically more reasonable, if the person is already rationally capable? One obvious example has to do with persons capable of living content lives by the doctrines of both science and religion. Some of them may be able to reconcile their

⁵⁵ The same distinction exists not only between different versions of a single person but also between epistemically unreasonable and reasonable groups of people. Steven Wall, "Perfectionism, Reasonableness, and Respect," *Political Theory* 42, No. 4 (2014): 475.

scientific and religious worldviews in everyday life, and some of them actually work in the field of natural sciences but are equally willing to let religion guide their life choices. To these “religious scientists,” the liberal state does not fully respect them if it recognizes only half of who they are and make them, with direct force or modest nudge, to move away from the other half. Nobody should live in this state-inflicted self-contradiction. If respect for persons only has to do with their rational capacity, then it is unclear why the liberal state would need to nudge or even force these people to adopt fully scientific worldviews. Is it not enough to simply be rationally *capable* in order to deserve respect from the liberal state? If the answer is no, then something else must be at work in Wall’s view of respect for persons. It could be that the liberal state respects persons who are *actually* epistemically reasonable, which means that they must both be rationally capable *and* prefer rational doctrines. If this is the case, there is no room for the religious scientists mentioned above since their capability of being rational is no longer enough. Wall’s view of respect for persons is therefore leaning dangerously close to appraisal respect that may not be owed to every ethically reasonable and rationally capable citizen in a liberal society.⁵⁶ For an individual person, being respected for who she is becomes an earned privilege that can be easily lost according to their practice of rationality. Consequently, for persons divided between those who are fully (ethically and epistemically) reasonable and those who are only ethically so, a sense of inequality emerges so that in many cases, as Bird points out,

⁵⁶ Some political liberal theorists agree with Wall that epistemic considerations need to be included in the notion of respect for persons. However, it is quite a different thing when it comes to *how* these epistemic considerations can be introduced by the liberal state. For instance, Charles Larmore argues that respect for persons plays so important a role that it is essentially the impelling force towards liberalism. Interestingly, Larmore defines respect for persons as the respect for persons’ rational agency and ability to act on the basis of reason. Yet he adds that we “shall not be engaging their distinctive capacity as persons in the same way we engage our own, making the acceptability of the rules in question depend on their reason just as we believe it draws upon our own.” In other words, to respect persons’ rational capabilities need not lead to the imposition of certain epistemic criteria that are not justifiable to other persons. Instead, “to respect another person as an end is to require that coercive—that is, political—principles be as justifiable to that person as they presumably are to us.” Charles Larmore, “Respect for Persons,” *Hedgehog Review* 7, No. 2 (Summer 2005): 74.

“I may be doing you a favor—as far as respect is concerned—by *overlooking* particular features of your identity.”⁵⁷ In contrast, it was already established that there is no need in the political liberal context to push reasonable persons to adopt only rational doctrines, because epistemic reasonableness does not assume a substantial view of rationality that requires strong criteria of theoretical reason. Furthermore, reasonable conception of justice can still be fairly imposed upon a reasonable person even when the reason for her rejection of the conception is because of her practical irrationality. It is thus unclear why we need an account of reasonableness and respect that risks inegalitarian implications in a liberal society where the basic requirement is to treat persons as free and equal members.⁵⁸

Wall may respond by arguing that the reason why there is room between being rationally capable and being actually rational is because an account of respect for persons “should acknowledge that persons, understood as rational agents, have the rational capacity to revise or abandon any commitment they have, even if it is very unlikely that they will do so.”⁵⁹ In other words, this shift makes revising or even abandoning persons’ comprehensive doctrines possible. Once a person realizes that the reason for her rejecting the proposed conception of justice is her failure to come to terms with her rational agency, then it is entirely possible that she could either dismiss her conclusion to reject the proposed conception of justice or change her comprehensive doctrine either partly or entirely. Thus, the state may “still respect a person fully even if it seeks to get her to revise her comprehensive commitments in response to the reasons she has for doing so.”⁶⁰ However, this liberal perfectionist account is not in a unique position to offer this

⁵⁷ Colin Bird, “Status, Identity, and Respect,” *Political Theory* 32, No. 2 (Apr., 2004): 219.

⁵⁸ Bird is also correct to point out that human equality is the effect rather than the cause of respect for persons, because “the relevant sort of equality is an emergent property arising from a distinctive pattern of submission and deference.” Without the proper respect for persons, perfectionist focus on epistemic reasonableness produces inequality instead. Colin Bird, “Status, Identity, and Respect,” *Political Theory* 32, No. 2 (Apr., 2004): 215.

⁵⁹ Steven Wall, “Perfectionism, Reasonableness, and Respect,” *Political Theory* 42, No. 4 (2014): 478.

⁶⁰ *Ibid.*

advantage. In the political liberal account of respect for persons based on the revised understanding of reasonableness, there is no limitation on the possibility for persons to revise or even abandon their comprehensive doctrines, because epistemic reasonableness refers to persons' willingness to acknowledge a second-order condition of epistemic equality rather than their first-order function of rationality. There is no apparent reason to favor a more complex account that also risks producing inegalitarian implications.

Wall might also object by appealing to his example of the pedophiles. According to Wall, pedophiles, or at least those pedophiles who believe conscientiously that there is nothing wrong with sex between adults and children, may experience what Nussbaum calls "expressive subordination" when the state criminalizes activities that are central to their conception of the good. It would be false, argues Wall, to claim that the state acts disrespectfully toward them when it undertakes these measures.⁶¹ Assumed in this observation is a distinction between "expressive subordination understood as involving disrespectful treatment" and "the experience of expressive subordination, which may or may not involve any disrespectful treatment."⁶² An ethically unreasonable doctrine, such as the one used by pedophiles to justify their conducts, is not entitled to respect, even if its adherents may experience expressive subordination when the state denigrates it. Wall thinks that the same logic applies to those who hold epistemically unreasonable doctrines: "Some who affirm such doctrines may experience expressive subordination when the government disfavors their doctrines. It is an error to infer from this that the state acts disrespectfully toward them. This is an error since the state may treat them with respect so long as it fully respects their powers as rational agents."⁶³ However, if epistemic

⁶¹ Steven Wall, "Perfectionism, Reasonableness, and Respect," *Political Theory* 42, No. 4 (2014): 482.

⁶² Ibid.

⁶³ Ibid.: 483.

reasonableness is defined not in direct reference to a person's practical rationality but in terms of her willingness to acknowledge epistemic equality from an experiential perspective, it is possible to offer a response to Wall's objection.

More often than not epistemic disagreements between people are founded on opaque grounds. It will be recalled that epistemic equality should be assumed even when the grounds of dispute are opaque so that if "individuals are to be able to claim to others and themselves that they are justified in holding certain beliefs, they can only do so on the basis of standards which apply to all."⁶⁴ The reason is simple, "there is no way for all of us (or some representative authority) to check whether appropriate standards of rational acceptability have been applied in the formation of a particular individual's belief."⁶⁵ Bird refers to this as "the authority conception" based on which "we reasonably confer upon each other the authority to apply standards of rational acceptability to opaque experiences on our own."⁶⁶ However, ethical disagreements do not seem to follow the same pattern, at least not so in a political context.⁶⁷ Once persons pass the test of reasonability, the moral status of citizens as free and equal no longer requires morally foundationalist justification; instead, it is taken as a fact of liberal democracy that in turn serves as the ground to determine whether persons are genuinely reasonable and whether proposed conceptions of justice are justifiable. However, in Wall's account, as long as epistemic reasonableness assumes a strong view of rationality, there is always room for disputes over how rational and hence how epistemically reasonable the person and her comprehensive doctrine are. Contrary to Wall's claim, the same logic found in the case of ethical

⁶⁴ Colin Bird, "Mutual Respect and Neutral Justification," *Ethics* 107, No. 1 (Oct., 1996): 75.

⁶⁵ *Ibid.*: 76.

⁶⁶ *Ibid.*

⁶⁷ The fact that liberal perfectionists and political liberals do not have nearly as much quarrel over the ethical sense of reasonableness is a clear indication.

reasonableness cannot be similarly applied to epistemic reasonableness as long as the latter is defined in direct reference to the practical rationality of persons and their comprehensive doctrines. In contrast, the revised understanding of epistemic reasonableness subordinates the practice of rationality to the condition of epistemic equality, which not only avoid the foundationalist problem altogether but also make political liberalism less exclusive.

4.5. Conclusion

Recent discussions by Martha Nussbaum and Steven Wall shed some new light on how one ought to understand the concept of reasonableness in political liberalism and whether or not the inclusion of epistemic elements in the concept necessarily makes political liberalism lose its antiperfectionist appeal. Through an analysis of Rawls' original work and the recent exchange between Nussbaum and Wall, a revised understanding of epistemic reasonableness based on a layered view of rationality is proposed to show that including an epistemic dimension in the idea of reasonableness will not necessarily push political liberalism toward the perfectionist side, as long as epistemic reasonableness is understood as denoting the requirement to acknowledge epistemic equality and the willingness to respect others' authority to exercise theoretical reason accordingly. In addition, political liberalism is also able to maintain a stronger account of respect for persons based on the revised understanding of reasonableness. Together, the ideas of reasonableness and respect for persons continue to strengthen the case for political liberalism.

So far in the first part of the dissertation, I have outlined Rawls' political liberalism and defended it by addressing three crucial issues. First, I proposed the public conception of morality to clarify and defend the foundational distinction between the political and the comprehensive. Second, I argued that the asymmetric treatment of the right and the good in political liberalism

can be defended by strengthening the distinction between foundational and justificatory disagreements. Finally, I revised the understanding of epistemic reasonableness to defend political liberalism against the charge of perfectionism and maintain a more appealing account of respect for persons. In my view, political liberalism still represents the most promising vision for modern liberal democracies. However, Rawls' ambition for political liberalism is unfortunately limited to existing and well-ordered liberal democracies. In other regions of the world, such as East Asia, liberal democracies are only emerging and experiencing substantial obstacles in many instances. Will political liberalism be able to offer East Asian societies urgent inspiration and theoretical support for democratic establishment and maintenance? The second part of the dissertation will try to answer this question.

Chapter 5: Confucianism and Comprehensive Confucian Perfectionism

5.1. Brief Introduction to Confucianism

This section offers a very brief introduction to the most fundamental elements of Confucianism and its key phases of historical development. Although this short chapter can by no means do justice to the scope and depth of Confucianism, it serves to prepare readers who are unfamiliar with Confucianism for the discussions of contemporary and political aspect of Confucianism in the next two chapters.

Born and lived in the Spring and Autumn period of the Zhou Dynasty, Confucius (551 BCE – 479 BCE) was the founder of Confucianism.¹ Although the Zhou Dynasty (1045?BCE – 221 BCE) was nominally a single kingdom under a central government, it was in actuality highly divided. Under the feudal system, the kingdom was divided into different states under the government of different dukes who were either members of the royal family or were awarded land by the Emperor. Very quickly individual states began to defy orders from the central government and compete with one another for both land and property.² Chaos inevitably followed, with wars and poverty not far behind. Like Plato, Confucius was in a unique position to philosophize during social turmoil and political uncertainty.³ Unlike Plato, Confucius did not wish to propose anything drastically new. Instead, Confucius said in the *Analects* that he was

¹ In modern Chinese, Confucius is referred to as Kong Zi, or Kong Fuzi. “Kong” refers to his family name, and “Zi” or “Fuzi” represents his intellectual status and is usually translated as “Master” or “Grand Master.” The English name “Confucius” is the Latinization of “Kong Fuzi.” The name “Confucius” has become widely recognized because of the Latin writings of the Jesuit missionaries to China, especially those by Matteo Ricci. See Peter Phan, “Catholicism and Confucianism: An Intellectual and Interreligious Dialogue,” *Catholicism and Interreligious Dialogue*, ed. James L. Heft, S.M. (New York: Oxford University Press, 2012), 169-192.

² Xinzhong Yao, *An Introduction to Confucianism* (Cambridge: Cambridge University Press, 2000), 22.

³ The Zhou Dynasty, especially the Western Zhou (1045 BCE - 770 BCE) “has served as [the] guiding paradigm for governmental, intellectual, and social developments.” Edward Shaughnessy, “Western Zhou History,” *The Cambridge History of Ancient China: From the Origins of Civilization to 221 BC*, ed. Michael Loewe and Edward Shaughnessy (Cambridge: Cambridge University Press, 1999), 292.

merely a “transmitter of values and norms” that first appeared during the Shang Dynasty (1766 BCE –1050 BCE).⁴ Similar to Socrates, Confucius did not leave behind any of his own writings. His teachings were recorded by his students in the *Analects*, which has become the primary source of understanding of Confucius’ philosophy. In addition, Confucius has also been closely associated with the Five Classics in the Chinese tradition: the *Book of Changes*, the *Book of Odes*, the *Book of History*, the *Book of Rites*, and the *Spring and Autumn Annals*. Although the claim that Confucius was personally involved in the writing or editing of these texts is hard to prove, these texts have been regarded as canonical in the Confucian tradition.

In order to spread his teachings, Confucius spent most of his lifetime wandering among different states trying to convince the dukes to adopt a humanistic approach of governing rather than a militaristic one.⁵ Underlying this optimistic teaching are two theses: (1) goodness can be taught and learned, and (2) society can only be in harmony and at peace under the guidance of wisdom.⁶ Based on these two theses, Confucius argues that the ruler must be a “gentleman” (*junzi*) who is benevolent, wise, and reverent, because a gentleman-ruler can both rule with skills and set ethical examples for people who follow them.⁷ In the *Analects*, Confucius compares the virtuous ruler to the North Star toward which the multitude of stars turn so that the way of virtue rather than the way of force is needed to maintain a stable state.⁸ As long as the state is ruled by the gentleman, people will follow his lead to cultivate virtues and become decent persons.

⁴ Doh Chull Shin, *Confucianism and Democratization in East Asia* (New York: Oxford University Press, 2012), 25. Also see Confucius, *Analects with Selections from Traditional Commentaries*, trans. Edward Slingerland (Indianapolis: Hackett Publishing, 2003), 64 (7.1).

⁵ The militaristic approach to ruling had its strong appeal among dukes. For instance, Sunzi’s *The Art of War* dates back to this era. See Sun Tzu, *The Art of War*, trans. Samuel B. Griffith (New York: Oxford University Press, 1963).

⁶ Xinzhong Yao, *An Introduction to Confucianism* (Cambridge: Cambridge University Press, 2000), 26.

⁷ Bryan W. Van Norden, *Introduction to Classical Chinese Philosophy* (Indianapolis: Hackett Publishing, 2011), 18-19.

⁸ Confucius, *Analects with Selections from Traditional Commentaries*, trans. Edward Slingerland (Indianapolis: Hackett Publishing, 2003), 8 (2.1).

Confucius thus draws a close connection between self-realization of virtue and the moral transformation of society as a whole. Another important reason for Confucius' emphasis on the virtue of the ruler has to do with the central role family plays. Family is the fundamental unit in the Confucian tradition, because it is as part of a family that a person begins to learn to be good.⁹ There are five constant virtues in the Confucian tradition: benevolence (*ren*), righteousness (*yi*), propriety or rituals (*li*), wisdom (*zhi*), and fidelity or trust (*xin*). Among the five, benevolence and propriety are the more most important virtues because the former lays the foundation of all other virtues, and the latter addresses the appropriate interpersonal and hierarchical relationships, as well as the duties associated with them.¹⁰ Family represents the "root of Goodness" from which the way of the virtue will grow.¹¹ The same applies to society as a whole. Like children learning from their parents' examples, the ruled also learn from the ruler, which is why the ruler must be the virtuous exemplar for the ruled. If society is in disorder, then the ruler must consider his own culpability. For instance, in Book 12 of the *Analects*, Ji Kangzi, the ruler of the state of Lu, asks Confucius about the condition of burglars in his state. Confucius answers: "If only you were free from desire, they would not steal even if you rewarded them for it."¹² Moreover, the legitimacy of rulers is also closely related to their virtues. The concept of the Mandate of Heaven

⁹ This leads some to argue that there is no distinction between the public and the private. See for instance Thomas Metzger, *The Western Concept of Civil Society in the Context of Chinese History* (Hoover Institution Press, 1998).

¹⁰ In Confucianism, there are five relationships that are often regarded as the most central: father-son, ruler-subject, husband-wife, older brother-younger brother, and friend-friend. These relationships, if treated with appropriate hierarchical rituals, will bring harmony to family, society, and empire. Filial piety, for instance, is one of the most significant practices in the Confucian tradition. One ought to respect and take care of the elderly in the family and beyond, which not only means in this life but also refers to the proper treatment of ancestors.

¹¹ Bryan W. Van Norden, *Introduction to Classical Chinese Philosophy* (Indianapolis: Hackett Publishing, 2011), 24. Also see Confucius, *Analects with Selections from Traditional Commentaries*, trans. Edward Slingerland (Indianapolis: Hackett Publishing, 2003), 1 (1.2).

¹² *Ibid.*, 133 (12.18). The close relationship between family and society leads some to argue that there is no clear distinction between ethics and politics in Confucianism. For instance, Stephen Angle's "Progressive Confucianism" argues that "our narrowly political institutions and values must be understood to exist in a balanced, mutually dependent relationship with two other distinct sources of value and practice, the ethical and the ritual." Stephen Angle, *Contemporary Confucian Political Philosophy* (Cambridge: Polity Press, 2012), 18.

(*tianming*) is used to offer a semi-religious justification of this view. According to Confucianism, the Mandate of Heaven, which makes no reference to any specific deity, is not given to rulers by fate. Instead, rulers ought to obtain it through virtuous rule: be virtuous and the Mandate is yours; abandon virtue and lose the Mandate.¹³

In addition, three aspects of Confucius' teaching also stand out. First, although Confucianism is more often known for its moderate approach to virtues and self-cultivation, it was born as a response to the political chaos that was the primary source of challenge to the society of its time, which makes Confucianism first and foremost a politics-laden philosophy. The family, the community, and the empire are closely related to one another through virtues in the Confucian tradition. Second, Confucianism advocates a meritocratic rather than democratic view of governing that connects personal merits with political legitimacy. Finally, although it makes constant references to "the Way" as most classical Chinese philosophies do, Confucianism, at least during the pre-Qin period, is primarily a humanistic rather than a theistic philosophy, which means that the primary focus of Confucianism is the here and now rather than what lies beyond this world.

The next stage of historical development of Confucianism took place when Mencius (Mengzi, probably born around 372 BCE) and Xunzi (probably born around 312 BCE) began to

¹³ For instance, in the *Book of Odes*, the successors of King Wen are warned with a poem:

The Mandate is not easy to keep;
may it not end in your persons.
Display and make bright your good fame,
and consider what Yin had received from Heaven.
The doings of high Heaven
have no sound, no smell.
Make King Wen your pattern,
and all the states will trust in you.

Sources of Chinese Tradition, Volume 1: From Earliest Times to 1600, eds. Wm. Theodore de Barry and Irene Cohen (New York: Columbia University Press, 1999), 37.

push Confucianism in different directions. Mencius, who is referred to as the Second Sage only after Confucius, lived in the time of the Warring States (403 BCE – 221 BCE), which was even more unstable than the time when Confucius lived. Philosophically, Mencius defended Confucianism against two competing schools of thought. In response to Mohism, which argues for a utilitarian way of improving people's material welfare and universal equality when it comes to loving and caring for other people, Mencius points out that the utilitarian view according to which everyone aims to maximize his or her profit will lead to conflict which will eventually be self-defeating, and that the innate love for family members naturally lead people to partiality rather than impartiality. Once again, the central role of the family in ethical cultivation is strengthened. In response to Yang Zhu, who argues that human nature is fundamentally self-interested, Mencius argues that human beings are born with good nature. Nevertheless, having a good nature does not mean that humans will necessarily become good, which would be counterfactual. Similar to Jean-Jacques Rousseau's romantic depiction of people in the state of nature, Mencius gives the following example:

Suppose someone suddenly saw a child about to fall into a well: anyone in such a situation would have a feeling of alarm and compassion—not because one sought to get in good with the child's parents, not because one wanted fame among one's neighbors and friends, and not because one would dislike the sound of the child's cries. From this we can see that if one is without the feeling of compassion, one is not human. If one is without the feeling of approval and disapproval, one is not human.¹⁴

Thus, even if people will not necessarily actualize their inner compassion, they at least have the feeling that serves as “the sprout of benevolence,” on the basis of which ethical cultivation becomes possible.¹⁵

¹⁴ Mencius, *Mengzi with Selections From Traditional Commentaries*, trans. Bryan W. Van Norden (Indianapolis: Hackett Publishing, 2008), 46 (2A6.3-5).

¹⁵ Ibid. 45-47 (2A6); 153-154 (6A10).

If Mencius pushed Confucianism to an ethical direction, and in so doing strengthened the role of the family, then Xunzi led it in a rather naturalistic direction, and in so doing solidified the function of rituals. Xunzi lived in the end of the Warring States period and perhaps saw the beginning of Qin Dynasty as it unified China for the first time. In stark contrast to Mencius, Xunzi maintained a different view of human nature. Xunzi argues that human nature is fundamentally self-interested, and that the Confucian way of life is an artificial restraint so that people do not become so selfish that conflict arises. If Mencius' optimistic view of human nature resembles that of Rousseau, Xunzi's pessimistic view echoes that of Hobbes. As a matter of fact, Xunzi uses a similar argument from the state of nature to justify the use of rituals:

From what did ritual arise? I say: Humans are born having desires. When they have desires but do not get the objects of their desires, then they cannot but seek some means of satisfaction. If there is no measure or limit to their seeking, then they cannot help but struggle with each other. If they struggle with each other then there will be chaos, and if there is chaos then they will be impoverished. The former kings hated such chaos, and so they established rituals and the standards of righteousness in order to allot things to people, to nurture their desires, and to satisfy their seeking. They caused desires never to exhaust material goods, and material goods never to be depleted by desires, so that the two support each other and prosper. This is how ritual arose. Thus, ritual is a means of nurture.¹⁶

Rituals thus play a dual role of maintaining social stability and ethical cultivation. As for the former, rituals establish rules of entitlement and privilege. For instance, the meritocratic ruler will be able to wear regal clothes and live in newly renovated palaces, whereas farmers will need to wear their work clothes and live in humble homes. As for the latter, rituals offer a guideline to reshape human nature to desire what is appropriate and avoid the opposite. For example, against selfish desire to care only about one's own life, younger generations have the duty to serve the

¹⁶ Xunzi, *Xunzi: The Complete Text*, trans. Eric L. Hutton (Princeton: Princeton University Press, 2014), 201 (19.5-10). See also Bryan W. Van Norden, *Introduction to Classical Chinese Philosophy* (Indianapolis: Hackett Publishing, 2011), 166.

elders first and with the best offerings, and this is what filial piety, the central virtue of Confucianism, requires.

So far, we have only covered major developments of classical Confucianism in the pre-Qin period. With the unification of China and the establishment of Qin Dynasty (221 BCE – 206 BCE) under the influence of Legalism, Confucianism started to decline. In the meantime, competing philosophies and religions, such as Daoism, Naturalism, and Buddhism, thrived. Through the debates with Legalism and Daoism, Confucianism became heavily influenced by both. Dong Zhongshu (179 BCE – 104 BCE) took a leading role and developed “a comprehensive Confucian doctrine based on the conception of mutual responsiveness between Heaven and humans” in Han Dynasty (206 BCE – 220 CE).¹⁷ For the first time, Confucianism took on an explicitly theological connotation. More significantly, under the advice of Dong Zhongshu, Emperor Wu of the Han Dynasty established Confucianism as the official state ideology and supplemented it with institutional support, such as creating the civil service examinations and founding the Imperial University to teach students Confucian classics.¹⁸ However, Confucianism’s rare historical governmental privilege was short-lived due to the decline of the Han Dynasty and the rise of Buddhism and Daoism. In the later Han Dynasty and then Sui and Tang Dynasties (581 – 907), neo-Confucianism emerged as the orthodox teaching of Confucianism, and increased the spiritualization of Confucianism under the influence of competing schools of thought. Pioneered by Han Yu (768 – 824), neo-Confucianism reached its apex when Zhu Xi (1130 – 1200) systematized Confucianism, which continued to dominate Confucian scholarship for the next eight hundred years.¹⁹ Wang Shouren (1472 – 1529), better

¹⁷ Xinzhong Yao, *An Introduction to Confucianism* (Cambridge: Cambridge University Press, 2000), 83.

¹⁸ Doh Chull Shin, *Confucianism and Democratization in East Asia* (New York: Oxford University Press, 2012), 26.

¹⁹ Xinzhong Yao, *An Introduction to Confucianism* (Cambridge: Cambridge University Press, 2000), 105.

known by his literary name, Wang Yangming, would continue to dominate the Confucian intellectual world for the next few centuries. The fall of the Qing Dynasty (1644-1912) in 1911 marked the beginning of vigorous attack on Confucianism as the culprit for the hindrance of social, political, and economic development in China. For instance, the anti-imperialist May the Fourth Movement in 1919 was partially motivated by the desire to replace traditional Confucianism with Western ideals of “Mr. Science” and “Mr. Democracy” for the purpose of pushing China in the direction of modernization. During the Cultural Revolution, Confucian classics and Confucius himself were also targets of vilification in the name of Chairman Mao and Communism.

Today, Confucianism is one of the many philosophical and theological traditions in East Asia. Vertically, Confucianism maintains its unshakable role among many scholarly traditions in history. Horizontally, Confucianism is even more impressive in reaching both political and popular destinations by transforming itself from a literati discipline into both a viable candidate of state orthodoxy and a source of contemporary faith. Its undeniably deep and broad cultural impact that shapes the East Asian region makes Confucianism the single most important point of departure when it comes to the discussion of modern and contemporary political condition of East Asia.

5.2. Contemporary Confucian Political Theories

As it becomes clear in the previous section, the central teachings of Confucianism were founded by Confucius in the Spring and Autumn Period, developed during the Warring States Period by Mencius and Xunzi, and again during the post-Qin period by neo-Confucian scholars. Beyond China, the Confucian tradition also spread to Japan, Korea, and other East Asian

countries during its gradual development and influenced the latter's intellectual and cultural development. In the most general sense, Confucianism can be divided into philosophical Confucianism, state Confucianism, and popular Confucianism.²⁰ Philosophical Confucianism refers to the system of ideas expressed in the classic Confucian texts. State Confucianism aims to reinforce and justify the institution of rulership and state legitimacy. Popular Confucianism, which has been heavily influenced by such historically popular religions/philosophies as Buddhism and Daoism, refers to the practice of Confucian teachings, such as family values, diligence, and education in everyday life. Although all three forms of Confucianism have coexisted ever since the birth of Confucianism, popular Confucianism has gradually surpassed both philosophical and state Confucianism to become the most influential manifestation of Confucianism in contemporary East Asia, which is paradoxically both a triumph and failure of Confucianism. It is a triumph because after the rise and fall of all the East Asian traditions, the single most influential one within the region remains Confucianism.²¹ It is a failure because the popularization of Confucianism in fact goes against the original aim of Confucianism. Confucianism was at its origin “the doctrine, or tradition, of scholars.”²² As a school, Confucianism “sought to make the Way of ancient sage—kings prevail again in the present world.”²³ However, the contemporary development of Confucianism failed to achieve this goal. Most East Asian countries have adopted alternative ideologies (capitalism and Marxism, for

²⁰ I drew but slightly altered this classification from Shuxian Liu, “Contemporary New Confucianism: Background, Varieties, and Significance,” *Contemporary Chinese Political Thought: Debates and Perspectives*, eds. Fred Dallmayr and Tingyang Zhao (Kentucky: The University Press of Kentucky, 2012), 91.

²¹ Although Confucianism may be the most influential tradition *within* East Asia, it is not at all the case beyond the region. Buddhism and Daoism are much more influential than Confucianism today given their numbers of active followers worldwide. For instance, Richard Madsen points out unlike Buddhism and Daoism, both of which enjoy substantial international popularity, Confucianism “has not been indigenized into non-Asian cultures.” Richard Madsen, “Obstacles to the Globalization of Confucianism,” *Confucianism, A Habit of the Heart: Bellah, Civil Religion, and East Asia*, eds. Philip J. Ivanhoe and Sungmoon Kim (Albany: SUNY Press, 2016), 100.

²² Xinzhong Yao, *An Introduction to Confucianism* (Cambridge: Cambridge University Press, 2000), 17.

²³ *Ibid.*, 27.

instance) to support and justify their regimes. Philosophical Confucianism has unfortunately been limited to academia among Confucian theorists. As a consequence, popular Confucianism, because of its detachment from the political elements of classical Confucianism and the socio-political conditions of East Asia, has maintained its habitual existence, especially within the family.²⁴

But this somewhat pessimistic description of the Confucian *status quo* should by no means eclipse the fact that Confucian scholars, even within their academic circles, have bolstered the Confucian tradition and are eager to bring it to the modern era. In the rest of this chapter and the next, I will highlight several key examples and argue that none of them achieve the objective of modernizing Confucianism in a satisfying manner. Because of the political emphasis of this project, I will limit the discussion to political Confucianism, which is a subset of philosophical Confucianism that can also contribute to state Confucianism.

First and foremost, it is helpful to further distinguish key approaches of political Confucianism in contemporary literature. Confucianism, like Christianity and Islam, is what John Rawls refers to as a “comprehensive doctrine” that involves systematic theorization of the human life on the basis of its own truth. Because of its comprehensive scope and strong emphasis on ethical cultivation or perfection of human nature, contemporary scholarship also refers to Confucianism as a perfectionist doctrine. However, it would be misleading to argue that

²⁴ The apolitical focus of contemporary Confucianism may contribute to and also explain its rise in popularity among the general public. For instance, Yu Dan’s 2006 book *Insights Gleaned from the Analects* has sold more than ten million copies in mainland China. However, as Daniel Bell points out, Yu’s version of the Analects has been thoroughly “depoliticized” to appeal to the masses as well as to avoid unnecessary controversies. While many scholars have been dismissive of her achievement, Stephen Angle is nonetheless correct when he points out that “the enormous sales of Yu’s book speak to a desire in contemporary China for a more robust ethical culture to combat what many see as rampant materialism and even nihilism.” Still, the point is that popular Confucianism does not represent the whole picture of philosophical Confucianism, especially when it comes to the political component. Daniel Bell, introduction to *A Confucian Constitutional Order: How China’s Ancient Past Can Shape Its Political Future*, eds. Daniel Bell and Ruiping Fan, trans. Edmund Ryden (New Jersey: Princeton University Press, 2013), 19. Stephen Angle, *Contemporary Confucian Political Philosophy* (Cambridge: Polity Press, 2012), 5.

since classical Confucianism is comprehensive and perfectionist, any political theory that draws from it is necessarily comprehensive perfectionist. Jonathan Quong's discussion on liberal political theories shines some light on how to understand this intricacy. It will be remembered that Quong asks two basic questions in a liberal context:

- (1) Must liberal political philosophy be based in some particular ideal of what constitutes a valuable or worthwhile human life, or other metaphysical belief?
- (2) Is it permissible for a liberal state to promote or discourage some activities, ideals, or ways of life on grounds relating to their inherent or intrinsic value, or on the basis of other metaphysical claims?²⁵

By answering positively or negatively to the first question, we have perfectionism and antiperfectionism. By answering positively or negatively to the second question, we have comprehensive and political approaches to realize and institutionalize perfectionism and antiperfectionism in the political setting: while the former implies that the state will rely on comprehensive doctrines as the basis of its legislation, policy, and other operations, the latter insists that the state ought to be neutral regarding different comprehensive doctrines and avoid making references to them. On the basis of these answers, Quong proposes that we understand liberal political theories in terms of comprehensive perfectionism, comprehensive antiperfectionism, political perfectionism, and political antiperfectionism. When this matrix is applied to the Confucian setting, an obvious imbalance appears between perfectionist and antiperfectionist theories: almost all the contemporary Confucian political theories are perfectionist in nature. To some extent the reason is quite simple. As Sungmoon Kim points out, since Confucianism is “*already* a self-contained ethical system and a comprehensive doctrine, the answer for [Quong's first question] is unavoidably ‘yes.’ Otherwise, there would be no

²⁵ Jonathan Quong, *Liberalism without Perfection* (Oxford University Press, 2011), 15.

compelling reason to struggle with Confucian political theory in the East Asia context.”²⁶ This sentiment motivates Confucian perfectionists to move toward two directions. On the one hand, there is comprehensive Confucian perfectionism, which argues that the state ought to adopt Confucianism as the basis of state constitution, legislation, and policy. For instance, Jiang Qing’s Confucian constitutionalism is an extreme example. Daniel A. Bell’s Confucian meritocracy is a less extreme one. On the other hand, there is moderate Confucian perfectionism, which looks at the broad social trends and environments that undermine or promote human goods and considers if any state action is necessary to create conditions conducive to the pursuit of these goods.²⁷ Joseph Chan’s Confucian political perfectionism and Sungmoon Kim’s public reason Confucianism are recent examples of this moderate approach. Despite the general consensus toward a perfectionist vision of Confucian political theories, Kim’s earlier remark might be a bit hasty and dismissive of alternative approaches. A political antiperfectionist alternative should not be so easily ruled out simply because Confucianism is a comprehensive doctrine. On the contrary, I will argue in Chapter 7 that given the increasingly pluralistic socio-cultural condition of the East Asian region, a political antiperfectionist theory of democracy represents a more reasonable option to accommodate both Confucianism and reasonable pluralism. Before illustrating my position, I will first demonstrate that both comprehensive and moderate Confucian perfectionism suffer from theoretical and practical difficulties. In the remainder of this chapter, I will focus on comprehensive Confucian perfectionism by examining Jiang Qing’s

²⁶ Sungmoon Kim, *Public Reason Confucianism: Democratic Perfectionism and Constitutionalism in East Asia* (Cambridge: Cambridge University Press), 39-40.

²⁷ I borrow this distinction from Joseph Chan, “On the Legitimacy of Confucian Constitutionalism,” *A Confucian Constitutional Order: How China’s Ancient Past Can Shape Its Political Future*, eds. Daniel Bell and Ruiping Fan, trans. Edmund Ryden (New Jersey: Princeton University Press, 2013), 101-102.

Confucian constitutionalism and Daniel A. Bell's Confucian meritocracy, and then I will turn to Joseph Chan's and Sungmoon Kim's moderate theories in Chapter 6.

5.3. Against Comprehensive Confucian Perfectionism

Jiang Qing is arguably the most controversial contemporary Confucian political theorist. The controversy surrounding him and his theory is manifold, but the most obvious theoretical controversy has to do with his proposal of a tricameral parliamentary political system for China on the basis of his Confucian constitutionalism. To preface his proposal, Jiang says that the way ahead for China's political development is "the Way of the Humane Authority and not democracy," and that this is "the *only* way in which Chinese culture can respond to the challenge of Western culture."²⁸ Jiang draws two crucial distinctions in this statement. There is the distinction between "the Way" and democracy, and there is the distinction between Chinese and Western cultures. Because of the "inherent pattern of Chinese history," Jiang claims, democracy cannot be the answer to the future of China.²⁹ But Jiang's dismissive attitude toward democracy is based on not only the uniqueness of the Chinese culture but also the inherent deficiencies of democracy as a political system. As for the latter, he lists three most obvious problems. First, the sole reliance of political legitimacy on the popular will leads to "extreme secularization, contractualism, utilitarianism, selfishness, commercialism, capitalization, vulgarization, hedonism, mediocritization, this worldliness, lack of ecology, lack of history, and lack of morality."³⁰ Second, democracy lacks morality, according to Jiang, because the authority and

²⁸ Qing Jiang, "The Way of the Humane Authority: The Theoretical Basis for Confucian Constitutionalism and A Tricameral Parliament," *A Confucian Constitutional Order: How China's Ancient Past Can Shape Its Political Future*, eds. Daniel Bell and Ruiping Fan, trans. Edmund Ryden (New Jersey: Princeton University Press, 2013), 27. Emphasis mine.

²⁹ *Ibid.*, 27.

³⁰ *Ibid.*, 33.

legitimacy of the government are determined by a formal will “with no respect for the quality of the opinions,” which in Jiang’s view is “a matter of head counting” that gives rise to “imperialism, fascism, and hegemonism.”³¹ Finally, there are no ideals in the running of a democracy because of the stress on the will of the people as the sole source of legitimacy. Thus, it is clear that the central flaw of democracy in Jiang’s view has to do with its exclusive reliance on the popular will as the justification of political legitimacy. Instead, drawing from the *Gongyang Commentary* to the *Spring and Autumn Annals*, Jiang proposes a threefold view of political legitimacy that points to what he refers to as “the Way of the Humane Authority” that involves the heaven, the earth, and the human:

The legitimacy of ‘heaven’ refers to transcendent, sacred legitimacy. In Chinese culture ‘heaven’ has both the character of a ruling will, personal yet hidden, and a transcendent, sacred sense of natural morality. The legitimacy of ‘earth’ refers to the legitimacy that comes from history and culture because cultures are formed through history in particular places. The legitimacy of the ‘human’ refers to the legitimacy of the will of the people because conformity to the will of the people directly determines whether or not people will obey political authorities.³²

This threefold view of legitimacy serves to address the three problems with democracy by ending the exclusivity of the popular view, putting morality back into politics, and setting up high ideals to inspire political perfection.³³ To implement the Way of the Humane Authority, Jiang proposes a parliamentary system consisting of three houses that each represents one of the three forms of legitimacy:

The three are the House of Ru (*Tongruiyuan*), which represents sacred legitimacy, the House of the People (*Shuminyuan*), which represents popular legitimacy, and the House of the Nation (*Guotiyuan*), which represents cultural legitimacy. The Scholars (*Ru*) are chosen by recommendation and nomination. The People are

³¹ Ibid., 34.

³² Ibid., 28.

³³ Although the three forms of legitimacy are supposed to be mutually restraining, the sacred legitimacy of heaven has a higher status, because the cultural and popular forms of legitimacy are also heaven’s embodiment in politics. Qing Jiang, “The Supervisory System of Confucian Constitutionalism: Reflections on the Supervision of the State by the Academy,” *A Confucian Constitutional Order: How China’s Ancient Past Can Shape Its Political Future*, eds. Daniel Bell and Ruiping Fan, trans. Edmund Ryden (New Jersey: Princeton University Press, 2013), 50.

chosen by universal suffrage and by election from functional constituencies. The members of the Nation are selected by hereditary criteria and by assignment.³⁴

The House of *Ru* consists of Confucian scholars, and the House of the People are chosen according to the norms and processes of Western democratic parliaments. Perhaps the most controversial component is the House of the Nation, whose leader is to be “a direct descendant of Confucius.”³⁵ The three Houses are supposed to be mutually restraining when it comes to legislation and policy making. For instance, if a bill passes the House of *Ru* and the House of the Nation, which means that it is good for the Way of heaven and culture, but fails to pass the House of the People, it will become a weak bill. But if a bill is opposed by both the House of the People and the House of the Nation, then it will not be passed into law. However, Jiang insists that the House of *Ru* “enjoys a permanent power of veto.”³⁶ The implication is that even if a bill can pass the other two Houses, a veto from the House of *Ru* will put an end to the process. Jiang explicitly gives the example of a bill that permits homosexual marriages: “A bill, such as one permitting homosexuals to found a family, that passes the House of the People but is against the Way of heaven will be vetoed by the House of *Ru*.”³⁷ In Jiang’s view, this tricameral system “enables each form of legitimacy to cooperate with the others and to restrain them when necessary. Each also wins the recognition of the others and does not interfere in their legitimate proceedings,” which offers definite advantage over Western democracies.³⁸

Once the legitimacy problem is addressed, Jiang is ready to propose his Confucian constitutional structure, which consists of the tricameral parliament, the Academy to supervise

³⁴ Qing Jiang, “The Way of the Humane Authority: The Theoretical Basis for Confucian Constitutionalism and A Tricameral Parliament,” *A Confucian Constitutional Order: How China’s Ancient Past Can Shape Its Political Future*, eds. Daniel Bell and Ruiping Fan, trans. Edmund Ryden (New Jersey: Princeton University Press, 2013), 41.

³⁵ *Ibid.*

³⁶ *Ibid.*

³⁷ *Ibid.*

³⁸ *Ibid.*, 42.

the state, and symbolic monarch republicanism.³⁹ As pointed out in the introduction, Confucianism has always been a literati discipline, which leads to highly meritocratic view when it comes to politics. So it makes sense when Jiang states that the highest ruler, the Son of Heaven, “can exercise his authority only within the norms and limits set by the Academy,” because it continues China’s tradition of rule by scholarship.⁴⁰ Besides the supervisory power, the Academy also possesses educational and examination powers for the survival and continuation of the Confucian classics and doctrines, ceremonial and ritual powers for the purpose of maintaining Confucian hierarchy and sacrificial tradition, power of recall so that the Academy can remove state officials found in violation of matters pertaining to morality, ability, performance, or legality without recourse to parliament, the power of mediation between the state and the people, and the power to uphold religion, because it is crucial, in Jiang’s view, that Confucian morality occupies rather than be excluded from politics.

Perhaps the most controversial proposal is the third component of the constitutional structure, that is, the Confucian state ought to be a republic under a symbolic monarch. The main argument for this position is largely cultural and historical. It will be remembered that cultural legitimacy is one of the three forms of legitimacy. According to Jiang, if national history cannot be embodied in politics, the state will lack historical and cultural legitimacy.⁴¹ In other words, historical and cultural legitimacy requires that national history be reflected in the political realm. Jiang then states that in contemporary China, “republicanism under a symbolic monarch is the only way in which historical identity of the state and national historical legitimacy can be united.

³⁹ Qing Jiang, “The Supervisory System of Confucian Constitutionalism: Reflections on the Supervision of the State by the Academy,” *A Confucian Constitutional Order: How China’s Ancient Past Can Shape Its Political Future*, eds. Daniel Bell and Ruiping Fan, trans. Edmund Ryden (New Jersey: Princeton University Press, 2013), 55.

⁴⁰ Ibid., 56.

⁴¹ Ibid., 72.

No other way is possible.”⁴² Drawing a distinction between the government and the state, Jiang argues that unlike the head of the government that can monopolize executive and hence political power, the head of the state possesses symbolic power that represents the state. By “symbolic” Jiang means that the monarch “does not hold actual political power . . . [but] exercises state power only by virtue of his ancient and noble lineage and serves as the head of state, whom the citizens look up to with respect.”⁴³ The best candidate, in Jiang’s view, is the direct heir of Confucius, who possesses three forms of identity: political, cultural, and personal. With the monarch representing the historical and national identity of the country, the tricameral parliamentary system offering three-dimensional justification, and the Academy limiting state power whenever supervision is required, Jiang believes that his Confucian constitutionalism represents not only the best but the only possible political future for China.

Jiang’s theory represents an extreme example of comprehensive Confucian perfectionism that aims to bring Confucianism to modernity not by drawing inspirations to accommodate contemporary (Western) ideals and institutions but through actively reviving Confucianism so as to replace existing, and in Jiang’s view wrong, arrangements in Chinese politics. Jiang’s approach also inspired many contemporary Confucian political theorists to follow his lead. For instance, Bai Tongdong proposes a bicameral legislature with a democratically elected house and a meritocratic house composed of deputies selected through exams and performance at lower levels of government.⁴⁴ Joseph Chan also advocates, in addition to a democratic house, a meritocratic house composed of retired civil servants with a proven record of public

⁴² Ibid.

⁴³ Ibid., 79.

⁴⁴ Tongdong Bai, “A Confucian Version of Hybrid Regime: How Does It Work, and Why Is It Superior?” *The East Asian Challenge for Democracy: Political Meritocracy in Comparative Perspective*, eds. Daniel A. Bell and Chenyang Li (New York: Cambridge University Press, 2013).

experience.⁴⁵ Fan Ruiping, on the other hand, endorses a reconstructionist Confucian meritocracy by drawing from a substantive Confucian view of human well-being that ought to be written into the Chinese constitution in order to direct legislation and governance.⁴⁶

According to Daniel A. Bell, it is “tempting to conceive of the possibility of reconciling the Confucian emphasis on rule by wise and virtuous elites with the democratic values of popular participation, accountability, and transparency.”⁴⁷ The reason for this temptation, as introduced above, has to do with the Confucian doctrine of ruling by merits, which can be demonstrated from both the perspective of the ruler and that of the ruled. From the ruler’s perspective, cultivating virtues will have a ripple-like effect that leads to moral transformation of the entire community. The ruler is in a unique position to set the example of virtue. Confucius offers a comparison between the virtuous ruler and the North Star when he says, “One who rules through the power of Virtue is analogous to the Pole Star: it simply remains in its place and receives the homage of the myriad lesser stars.”⁴⁸ From the perspective of the people who follow the example of the ruler, the legitimacy of the state and the ruler also relies on his virtue and merits. Consider, for instance, the following exchange between Zigong and Confucius on the issue of government:

The Master said, “Simply make sure there is sufficient food, sufficient armaments, and that you have the confidence of the common people.”

Zigong said, “If sacrificing one of these three things became unavoidable, which would you sacrifice first?”

The Master replied, “I would sacrifice the armaments.”

⁴⁵ Joseph Chan, “Political Meritocracy and Meritocratic Rule: A Confucian Perspective,” *The East Asian Challenge for Democracy: Political Meritocracy in Comparative Perspective*, eds. Daniel A. Bell and Chenyang Li (New York: Cambridge University Press, 2013).

⁴⁶ Ruiping Fan, “Confucian Meritocracy for Contemporary China,” *The East Asian Challenge for Democracy: Political Meritocracy in Comparative Perspective*, eds. Daniel A. Bell and Chenyang Li (New York: Cambridge University Press, 2013).

⁴⁷ Daniel Bell, *Beyond Liberal Democracy: Political Thinking for an East Asian Context* (Princeton: Princeton University Press, 2006), 152.

⁴⁸ Confucius, *Analects with Selections from Traditional Commentaries*, trans. Edward Slingerland (Indianapolis: Hackett Publishing, 2003), 8 (2.1).

Zigong said, “If sacrificing one of the two remaining things became unavoidable, which would you sacrifice next?”

The Master replied, “I would sacrifice the food. Death has always been with us, but a state cannot stand once it has lost the confidence of the people.”⁴⁹

It is clear from the conversation that virtue is prioritized above all else in the evaluation of the ruler. If the ruler is virtuous, then other problems will be solved in due course, and the people ought to sincerely trust and endorse the ruler. In Bell’s opinion, this meritocratic sentiment, juxtaposed with the respect for scholar-official in Confucian history, provides substantial ground for rethinking the exclusivity of democracy, especially in East Asia. A modern person in East Asia influenced by both Confucianism and democracy will likely to be confronted with the dilemma that “while Western-style democratic institutions do not fully accommodate concerns for the ‘rule of the wise,’ the ‘Parliament of Scholar-Officials’ idea goes too far in the elitist direction by failing to incorporate any form of political decision making by the people.”⁵⁰ The solution, according to Bell, is a bicameral legislature “with a democratically elected lower house and a ‘Confucian’ upper house composed of representatives selected on the basis of competitive examinations.”⁵¹ Specifically, Bell refers to the upper house as the House of Virtue and Talent (*Xianshiyuan*) so as to reflect the meritocratic nature of the ruling elites.⁵² Bell’s proposal obviously resonates with Jiang’s extreme Confucian reform. Both theories aim to not only borrow from but also revive traditional Confucian institutions in modern-day East Asia, because both thinkers agree that political Confucianism offers much more promise than democracy.

Recently, however, Bell revises his earlier stance. Criticizing Jiang’s proposal as

⁴⁹ Ibid., 128 (12.7).

⁵⁰ Daniel Bell, *Beyond Liberal Democracy: Political Thinking for an East Asian Context* (Princeton: Princeton University Press, 2006), 165.

⁵¹ Ibid., 165-166.

⁵² Ibid., 167.

unrealistic, especially in the likely scenario that the popular support for political leaders chosen on the basis of one person, one vote clashes with the meritocratic endorsement of leaders chosen by Confucian standards, Bell says:

If we want something better than one person, one vote— such as a political institution that secures the interests of future generations, with the power to complement, and sometimes override, the decisions of politicians elected by one person, one vote— it cannot be done in the form of proposals for bicameral or tricameral legislatures, no matter what the context.⁵³

Ironically, the deeper problem with Jiang's Confucian constitutionalism from Bell's perspective is that it is too democratic, because there is a slippery slope "toward a powerful House of the People could not be stopped, and the House of Exemplary Persons (as well as the House of the Nation) would almost certainly be marginalized, if not made completely irrelevant."⁵⁴ Instead, Bell's most recent proposal is "a vertical model with political meritocracy at the level of the central government and democracy at the local level."⁵⁵ Bell's new position is partly inspired by the Chinese context, where direct village elections were introduced by the central government in 1988 to maintain social order and combat corruption of leaders, and became mandatory in 1998, giving more than nine hundred million Chinese farmers the right to vote by 2008.⁵⁶ Theoretically, by limiting one person, one vote to village and other local governments, Bell wishes to eradicate popular vote from the selection mechanism for central government officials so that meritocratic rule will not clash with democratic chambers.

Bell's critique of Jiang's Confucian constitutionalism points to a shared ambiguity among

⁵³ Daniel Bell, *The China Model: Political Meritocracy and the Limits of Democracy* (Princeton: Princeton University Press, 2016), 167.

⁵⁴ Ibid.

⁵⁵ Bell distinguishes between three models of democratic meritocracy: (1) a model that combines democracy and meritocracy at the level of the voter; (2) a horizontal model that combines democracy and meritocracy at the level of central political institutions; and (3) a vertical model with political meritocracy at the level of the central government and democracy at the local level. Jiang's proposal and Bell's previous theory are examples of the second and horizontal model, which Bell now criticizes for not being thoroughly meritocratic. Ibid., 152.

⁵⁶ Ibid., 168.

comprehensive Confucian perfectionist theories. If the problem with Jiang's Confucian constitutionalism has to do with the possible clash between democratic elements and their meritocratic counterparts within the horizontal structure of the central government, then why not eliminate references to democracy altogether and restore a fully meritocratic political structure? Why is there a democratic component even in Jiang's radical proposal? Sungmoon Kim shares this concern when he asks:

If we reject (for the most part) democratic ideals of popular sovereignty, political equality, and the right to political participation in our meritocratic understanding of Confucian democracy, on what normative grounds can we justify democratic practices of popular election and political participation, and how can they be justified in ways that can simultaneously and coherently endorse the value of meritocracy, again understood as rule by the elite, and its attendant political institutions?⁵⁷

There are two potential responses to this question. From the perspective of classical Confucianism, meritocracy can be seen as supplemented by democratic elements. The concept of Mandate from Heaven discussed in the previous section is a good example. It will be remembered that the Mandate from Heaven is earned by the virtuous and benevolent ruler rather than fated. If the ruler abandons virtue, Heaven can hear the suffering of the people and will remove the Mandate as a consequence. Put together, we have an almost hybrid view where meritocratic rule is supervised by the democratic will. As interesting as this interpretation is, it cannot support the inclusion of democratic elements in otherwise meritocratic theories. Take Jiang's Confucian constitutionalism as a case in point. While the House of People still requires one person, one vote, which is an active practice of the democratic will, the Heaven in classical Confucianism plays only a passive and mediating role between the ruler and the ruled. What eventually determines whether or not the Mandate will be maintained or removed has little to do

⁵⁷ Sungmoon Kim, *Public Reason Confucianism: Democratic Perfectionism and Constitutionalism in East Asia* (Cambridge: Cambridge University Press), 6.

with the people. Instead, it is fundamentally determined by the virtue of the ruler. As Mencius puts it, “If a ruler is benevolent, no one will fail to be benevolent. If a ruler is righteous, no one will fail to be righteous.”⁵⁸ What classical Confucianism actually reveals is a disregard for the democratic will and a strong emphasis on the meritocratic nature of political rule. Therefore, the necessity to include democratic elements in otherwise meritocratic Confucian political theories remains unjustified, which in turn undermines the coherence of comprehensive Confucian perfectionism. The other possible response has to do with the contemporary social and political condition of East Asian societies. It might be the case that Western democratic ideals and institutions have become so commonplace among the general public that it is impossible not to at least incorporate some elements of democracy. But this answer dodges the real question at stake, that is, why consider and incorporate democratic elements when full meritocracy is a theoretical option? Confucian meritocratic political theories are thus incoherent, as long as they wish to maintain democratic elements.

Moreover, if we are going to take into consideration the contemporary social and political condition of East Asia, then we have one more reason to resist comprehensive Confucian perfectionism. Although Confucianism has historically penetrated both the public and the private spheres in East Asian societies, it is both empirically and theoretically questionable to take Confucianism and its associated cultural heritage for granted, and claim that it will necessarily serve as *the* civic culture that East Asia.⁵⁹ Many moderate Confucian political theorists clearly recognize this pluralistic condition. One of the motivations behind Joseph Chan’s moderate

⁵⁸ Mencius, *Mengzi with Selections from Traditional Commentaries*, trans. Bryan W. Van Norden (Indianapolis: Hackett Publishing, 2008), 105 (4B.5).

⁵⁹ I will return to the empirical observation and theoretical treatment of this issue in the next chapter. For a comprehensive empirical study on the role of Confucianism in contemporary East Asia, see Doh Chull Shin, *Confucianism and Democratization in East Asia* (New York: Oxford University Press, 2012). Also see *East Asian Perspectives on Political Legitimacy*, eds. Joseph Chan, Doh Chull Shin, and Melissa Williams (New York: Cambridge University Press, 2016).

Confucian perfectionism is to show through “a piecemeal and moderate approach” that certain Confucian values and principles can be endorsed by citizens who do not subscribe to Confucianism and serve to ground a number of basic institutions of liberal democracy.”⁶⁰

Sungmoon Kim is perhaps one of the most vocal thinkers to clearly acknowledge the fact of reasonable pluralism in East Asian societies. In support of his public reason Confucianism, Kim says:

Contemporary East Asian societies, especially those that have been democratized, are characterized by vibrant civil societies that are internally diverse. People there are increasingly pluralist and multicultural, subscribing to different moral, philosophical, and religious doctrines. For instance, even among South Koreans, the most Confucian historically as well as to this day, albeit arguably, only a negligible number of people self-consciously identify Confucianism (i.e., religious Confucianism) as their personal value system.⁶¹

The case of South Korea is especially noteworthy. According to the 1984 *Manual for Religions in Korea* published by the Republic of Korea’s Religious Affairs Office of the Ministry of Culture and Information, “the number of Confucians was only slightly under 800,000, while Buddhists numbered 7.5 million and Christians (Protestants and Catholics together) totaled about 7 million.”⁶² Those who identified themselves as Confucians “amounted to only 2 percent of the total population,” whereas those who self-identified as Buddhists and Christians account for 19 and 17.5 percent, respectively.⁶³ This lack of self-identification in South Korea was accompanied by the increasingly low visibility of Confucianism in politics and education. As for politics, Confucianism “lost its most important function as the orthodox state ideology after the fall of the monarchy in the early twentieth century, and in subsequent years it could no longer claim any

⁶⁰ Joseph Chan, *Confucian Perfectionism: A Political Philosophy for Modern Times* (Princeton: Princeton University Press, 2014), 199-200.

⁶¹ Sungmoon Kim, “Public Reason Confucianism: A Construction,” *American Political Science Review* 109, no. 1 (Feb., 2015): 193.

⁶² Koh Byong-ik, “Confucianism in Contemporary Korea,” *Confucian Traditions in East Asian Modernity*, ed. Tu Wei-ming (Cambridge: Harvard University Press, 1996), 192.

⁶³ Ibid.

leading role in the modernizing and Westernizing republican polity.”⁶⁴ As for education, “Confucianism as a scholarly pursuit has disappeared since the introduction of modern education . . . The *hyanggyo*, traditional Confucian schools in the capital and the provinces, and the *sowon*, private academies (Chinese: *shu-yuan*), survive only in their decaying edifices, having lost the functions of education and public opinion formation.”⁶⁵ Thus, even in South Korea, Confucianism is “hardly visible on the surface and rarely manifests itself in any organization or institution. It survives only at the most basic level of the popular consciousness and in the routines of daily life.”⁶⁶ Furthermore, Doh Chull Shin’s comprehensive empirical studies demonstrate that South Korea is by no means an exception. In none of the five historically Confucian countries (Japan, South Korea, Taiwan, China, and Vietnam) is the Confucian way of life the most popular cultural type. Instead, more people have embraced the egalitarian or individualist way of life, to the extent that East Asia as a whole is even more individualistic than any of the four other non-Western cultural zones (South Asia, Latin America, Africa, and the Muslim zone), and only less so when comparing with the democratic West and ex-communist West.⁶⁷

5.4. Conclusion

If we truly take these empirical observations seriously, it should become even clearer that comprehensive Confucian perfectionist theories do not represent the future of democracy in East

⁶⁴ Ibid., 193.

⁶⁵ Ibid., 194.

⁶⁶ Ibid.

⁶⁷ Doh Chull Shin, *Confucianism and Democratization in East Asia* (New York: Oxford University Press, 2012), 104. Shin’s research divides world cultures into seven categories: democratic West, ex-communist West, south Asia, Muslim zone, East Asia, Latin America, and Africa. When it comes to preference for individualism, which is opposite to what traditional Confucianism requires, East Asia has a 25.5% favoring rate, which is higher than that in South Asia (21.9%), Latin America (23.9%), Africa (10.4%), and Muslim zone (7.1%). Democratic West and ex-communist West, in contrast, have favoring rates of 46% and 39.9%, respectively. See Table 3.5. in Ibid., 97.

Asia. What about less comprehensive approaches that aim to strike the balance between Confucianism and democracy, especially those that claim to have taken what John Rawls calls the fact of reasonable pluralism seriously? In the next chapter, I will critically examine Joseph Chan's moderate Confucian political perfectionism and Sungmoon Kim's public reason Confucianism in order to show that these less comprehensive approaches still fall short. With this critical conclusion in mind, I will then turn to what I think is a more promising model of democracy for East Asia in Chapter 7.

Chapter 6: The Discontents of Moderate Political Confucianism

6.1. Introduction

Modern Confucian political philosophy has long been divided between the more comprehensive branch of theories that prioritize Confucian classics and traditions, and the more moderate branch of theories that attempt to modernize Confucianism so as to better accommodate contemporary East Asian societies.¹ In the previous chapter, I argued that comprehensive Confucianism has both theoretical and practical challenges when it is applied to modern East Asia. In this chapter, I will focus on the more moderate approach that aims to strike the perfect balance between Confucianism and liberal democracy.

Recently, Joseph Chan and Sungmoon Kim, two leading moderate Confucian political theorists, proposed their distinct approaches to advocate what for them the most promising versions of political Confucianism. Chan advances what he calls “Confucian political perfectionism,” which is based on the belief that “Confucians should embrace modern institutions and measures if they are effective and tie them to the Confucian ideal.”² Kim introduces what he refers to as “public reason Confucianism,” which takes as its starting point the perfectionist implications of John Rawls’ famous concepts of public reason and overlapping consensus, and makes “Confucian perfectionist goods the core elements of public reason with which citizens can justify their arguments to one another and by which the state can justifiably

¹ For comprehensive Confucianism, see Qing Jiang, *A Confucian Constitutional Order: How China’s Ancient Past Can Shape Its Political Future*, eds. Daniel A. Bell and Ruiping Fan, trans. Edmund Ryden (Princeton: Princeton University Press, 2012). Also see Daniel Bell, *Beyond Liberal Democracy: Political Thinking for an East Asian Context* (Princeton: Princeton University Press, 2006). Ruiping Fan, *Reconstructionist Confucianism: Rethinking Morality after the West* (Dordrecht: Springer, 2010).

² Joseph Chan, *Confucian Perfectionism: A Political Philosophy for Modern Times* (Princeton: Princeton University Press, 2014), 17-18.

exercise its public authority to reasonable citizens” who may adopt various comprehensive doctrines.³

The similarity between the two approaches is threefold. First, both approaches share the conviction that contemporary East Asian societies are no longer homogeneously Confucian; instead, like their Western counterparts, these societies are becoming increasingly pluralistic in that different and even conflicting comprehensive doctrines are adopted and practiced by citizens. Thus, a promising Confucian political theory must include the task of accommodating reasonable pluralism as one of its priorities. Second, both approaches, contrary to comprehensive Confucianism, argue for a middle and mutually compatible ground between Confucianism and modern democratic theories and institutions. Finally, despite their inspirations from liberal democratic theories, most notably that of John Rawls, both approaches are moderately perfectionist, which means that the state’s non-neutral promotion of the Confucian way of life is permitted. The two approaches also differ in significant ways. As for Chan, Confucian political perfectionism directly engages with both Confucianism and liberal democratic institutions in order to reconstruct and blend the two to form something new. As for Kim, public reason Confucianism indirectly engages with Confucianism and treats Confucian doctrines and goods as shared reason among Confucian citizens on the basis of which an overlapping consensus can be formed. As a consequence, although they both reject comprehensive Confucianism, their reasons for doing so differ from each other. For Chan, comprehensive Confucianism is normatively unjustifiable, because it damages civility. For Kim, comprehensive Confucianism is empirically impossible to maintain, because Confucian citizens no longer hold Confucianism to be the only true value system. In other words, unlike Chan, who follows a more conventional path to

³ Sungmoon Kim, “Public Reason Confucianism: A Construction,” *American Political Science Review* 109, No. 1 (Feb., 2015): 187.

normatively reconstruct Confucianism to better fit a modern context, Kim takes a somewhat unorthodox route and regards the empirical fact of shared Confucian mores and sentiments as the key starting point.

Despite their individual merits and shared motivation to modernize Confucianism, both approaches leave something to be desired. In this chapter, I will first analyze the two theories and argue that they suffer from distinct problems. As for Chan's Confucian political perfectionism, I will show that it suffers from a problematic sense of instability that calls into question the validity of the approach. As for Kim's public reason Confucianism, although it represents perhaps the most promising model to date, it still needs to address problems caused when two theoretically distant doctrines (Confucianism and public reason) are combined. I will focus on three of them: the issue of motivation and translation, the undesirable closedness of Confucian society, and the potentially inegalitarian relations among citizens. These discontents, I will argue, point to a shared problem in recent attempts to find a moderate position in Confucian democracy. Ironically, the problem has to do with the fact of reasonable pluralism, which both Chan and Kim claim to have taken seriously. I will question this claim by analyzing empirical evidence in contemporary East Asian societies, and arguing that the reasonable question to ask when it comes to the future of democracy in East Asia ought to be how sustainable democracies can be established and maintained while accommodating the permanent fact of reasonable pluralism among a diversity of comprehensive doctrines, of which Confucianism is only one among many. Finally, I will conclude by proposing two possibilities that will serve to open new doors for the future of democracy in East Asia, which leads to the specific discussion on democracy in the next chapter.

6.2. The Inherent Instability of Confucian Political Perfectionism

According to Joseph Chan, liberals “owe perfectionists an account as to why the state’s enforcement of controversial decisions is problematic only in the case of conceptions of the good life and not in non-good-life issues like social justice.”⁴ In other words, liberals must show that the distinction between social justice and the good life is so deep that they warrant asymmetric treatments. For instance, why is it not justified for the liberal state to endorse Aristotelian teleological ethics, whereas its endorsement of court decisions, policies on national defense, and education reforms that are no less controversial is considered legitimate? At the same time, Chan is also keenly aware of the negative implication of extreme forms of perfectionism that are comprehensive in their ranking of goods and ways of life, coercive in its means of pursuit, pure in its (exclusive) concern for the good life, and state-centered in its principled preference for the state as the direct and primary agent of the promotion of the good life.⁵ These comprehensive approaches, in Chan’s view, stem from a misconception of the good life.⁶ Instead, Chan proposes a moderate version of perfectionism that is local, noncoercive, mixed, and multicentered.⁷ Distancing itself from comprehensive perfectionism, moderate perfectionism promotes “valuable goods such as the basic human and arts, family life, and virtues, discourages people from leading ways of life that are highly deficient in these goods. For those ways of life that are roughly

⁴ Joseph Chan, “Legitimacy, Unanimity, and Perfectionism,” *Philosophy & Public Affairs* 29, No. 1 (Winter 2000): 22.

⁵ Ibid., 16.

⁶ Chan divides the good life into three analytical parts: (1) Agency goods: virtues or dispositions that constitute the good life: e.g., reason (especially practical wisdom), courage, justice, temperance, integrity, and sincerity; (2) Prudential goods: goods or values that contribute to a person’s good life: e.g., aesthetic experience (music and beauty), human relationship (friendship, family), amusement and play, knowledge, etc.; (3) A way of life: this is a person’s pattern of living, which embodies a particular ranking of agency and prudential goods and a particular way of realizing them. Chan argues that the first two components are not necessarily controversial and that a moderate version of perfectionism can be developed by focusing on agency and prudential goods and staying away from specific ways of life. Ibid.: 11.

⁷ For in-depth discussion of the four features, see Ibid.: 14-17.

speaking ‘good enough,’ the state need not discriminate further between them.”⁸ Under this moderate perfectionist spirit, Chan recently advocates what he calls Confucian political perfectionism, which intends to achieve two tasks at once. On the one hand, he wishes to distance his version of Confucianism from comprehensive forms. On the other hand, he also wishes to put Confucianism, which is an obviously comprehensive doctrine, to the forefront of political philosophy and reconcile it with at least some liberal democratic ideals and institutions. As for the former task, Chan is at pains to point out the differences between his moderate and extreme forms of perfectionism. Unlike comprehensive perfectionism, which holds that the state should adopt a comprehensive doctrine of the good life as the basis of state policy, moderate perfectionism “does not seek to make fine-grained comparative judgments on many different ways of life. It looks at the broad social trends and environments that undermine or promote the good life and considers if any state action is necessary to create conditions conducive to its pursuit.”⁹ As for the latter task, Chan argues that Confucianism is better promoted through moderate perfectionism, which leads to what he calls “a piecemeal and moderate approach.”¹⁰ By “piecemeal” Chan means the opposite of the wholesale state endorsement of Confucianism.¹¹ Instead, the modern state should incorporate “a number of basic institutions of liberal democracy but [ground] them on Confucian perfectionism and [shape] them by redefining their roles and functions. Where possible and necessary, it alters those institutions in light of Confucian values.”¹² By “moderate” Chan means that Confucian perfectionism does not require prior

⁸ Ibid.: 14.

⁹ Ibid., 201.

¹⁰ Ibid., 203.

¹¹ For an example of the comprehensive approach, see Qing Jiang, *A Confucian Constitutional Order: How China's Ancient Past Can Shape Its Political Future*, trans. Edmund Ryden, ed. Daniel A. Bell and Ruiping Fan (Princeton: Princeton University Press, 2013).

¹² Joseph Chan, *Confucian Perfectionism: A Political Philosophy for Modern Times* (Princeton: Princeton University Press, 2014), 199-200.

acceptance of Confucianism, because “the core values of Confucianism such as virtues, human ethical relations, the mutual commitment of the ruler and the ruled, the principle of benevolent politics, and fair rewards and punishments in the political system can be accepted or understood by many people without their adopting Confucianism as a comprehensive doctrine.”¹³ Overall, Chan’s approach “incorporates a number of basic institutions of liberal democracy, grounds them on Confucian perfectionism, and redefines their roles and functions,” with the hope that mixing Confucian values with liberal democratic institutions might strengthen both.¹⁴ Specifically, Chan demonstrates the acceptability of certain Confucian values and principles relevant to such political issues as political authority, rights, liberties, and justice by revising, developing, and integrating them with other values and principles as appropriate.¹⁵ Confucian political perfectionism, based on Confucian values and moderate perfectionism, is supposed to be the answer to the increasing dissatisfaction toward political liberalism and the neutral state.

However, there is a sense of inconsistency between Chan’s abstract presentation of moderate perfectionism in his original article and his substantial proposal for Confucian political perfectionism. On the one hand, the main point of moderate perfectionism is to show that a liberal theory of justice need not be informed by a single comprehensive doctrine. On the other hand, Confucian perfectionism is, despite its moderate connotations, unapologetically more Confucian than anything else. For instance, the Grand Union (*da tong*) and the Small Tranquility (*xiao kang*) are the two central Confucian ideals on which Chan relies to develop his political philosophy under the impression that they are widely shared by modern Chinese people.¹⁶ At this

¹³ Ibid., 204.

¹⁴ Ibid., 18.

¹⁵ See Parts I and II in Joseph Chan, *Confucian Perfectionism: A Political Philosophy for Modern Times* (Princeton: Princeton University Press, 2014).

¹⁶ Joseph Chan, *Confucian Perfectionism: A Political Philosophy for Modern Times* (Princeton: Princeton University Press, 2014). As Kim points out, modern Chinese people are in fact under the “nonideal situations [that] quite regrettably prevent them from realizing” these ideals. Sungmoon Kim, *Public Reason Confucianism*:

point, Chan might object by saying that his proposal *does* take other doctrines into consideration, especially when it comes to concrete legislative or policy issues. According to Chan,

Moderate perfectionism does not require ideological control by the state; instead it demands a high level of freedom of speech so that citizens can freely assess Confucianism and discuss policy in a rational manner. This free and democratic process will decide which Confucian values, if any, should be promoted or adopted as the grounds for legislation. If Confucian values are adopted in such a manner, Confucianism will win only in regard to specific policies, and its advocates will not use political power to impose a winner-take-all comprehensive package over other schools of thought. If social discussion and political procedure are conducted fairly, then those who lose out in democratic competition this time will still have the chance to regain political victory in the future. In this light, the moderate promotion of Confucian values preserves civility among citizens in a pluralistic society.¹⁷

But this response dodges the question. For Chan, the question is *which* Confucian values ought we to promote, not *why* Confucianism in the first place. In fact, Chan admits that today “those East Asian societies that have been influenced by Confucian culture have undergone modernization and become pluralistic societies marked by a diversity of religions, philosophies, and ideologies,” and that Confucianism is “only one of the many competing forms of ideological discourse in these societies.”¹⁸ So the question one ought to ask in the first place is not whether Confucianism *can* support certain liberal democratic institutions but whether it *should* play the dominant role in the way Chan imagines. If moderate perfectionism is truly committed to the avoidance of having a single comprehensive doctrine informing a liberal theory of justice, then Confucian perfectionism must first address the necessity and perhaps even the contradiction of

Democratic-Perfectionism and Constitutionalism in East Asia (Cambridge: Cambridge University Press, 2016), 90. For classic references to these ideals, see Confucius, *The Analects*, trans. D. C. Lau, revised bilingual edition (Hong Kong: Chinese University Press, 1992). Mencius, *Mencius*, trans. D. C. Lau, revised bilingual edition (Hong Kong: Chinese University Press, 2003). Xunzi, *Basic Writings of Hsün Tzu*, trans. Burton Watson (New York: Columbia University Press, 1963).

¹⁷ Joseph Chan, *Confucian Perfectionism: A Political Philosophy for Modern Times* (Princeton: Princeton University Press, 2014), 204.

¹⁸ *Ibid.*, 200.

having Confucianism as the exception.¹⁹

Furthermore, when the abstract meets the concrete, Chan's Confucian political perfectionism says that we "should offer a list of items that constitute the good life and good social order – such as valuable social relationships, practical wisdom and learning, sincerity, harmony, social and political trust and care, moral and personal autonomy, and economic sufficiency and self-responsibility – and explore the implications of these items for social and political arrangements."²⁰ Chan calls this the "bottom-up" approach, which is the opposite to the "top-down" approach that endorses Confucianism as a comprehensive state doctrine. But why stop at the level of specific Confucian values? If the avoidance of comprehensive perfectionism is to be fully achieved, why is it not equally if not more reasonable to focus on core values that are *shared but not tied to* any comprehensive doctrine in particular?²¹

Thus, the initial sense of inconsistency leads to a much more problematic sense of instability in Chan's Confucian political perfectionism: if the theory is too Confucian, it is no longer moderate; but if the theory is too moderate, it may not be sufficiently or sincerely Confucian. For instance, if Chan's view of perfectionism emphasizes more on agency and prudential goods than on ways of life in the hope of keeping perfectionism moderate, it risks losing its perfectionist appeal, because political liberals can make an equally compelling case for a neutral state by endorsing agency and prudential goods without subscribing to strong

¹⁹ It is worth pointing out the distinction between having Confucianism as *the* doctrine and having Confucianism as one among a plurality of traditions inform a theory of justice. Given the history of Confucianism in East Asian societies, it is hard to imagine a democracy without at least some influence from Confucianism. However, it is quite another claim to argue that given this substantial history Confucianism then ought to be the sole source of justice and legitimacy.

²⁰ Joseph Chan, *Confucian Perfectionism: A Political Philosophy for Modern Times* (Princeton: Princeton University Press, 2014), 203.

²¹ Doing so will of course risk becoming less Confucian and more liberal, which is unacceptable to Chan.

perfectionism.²² On the other hand, if Chan emphasizes more on the Confucian way of life than on agency and prudential goods, his view of perfectionism loses its moderate appeal. Confucian political perfectionism is therefore inherently unstable.²³

6.3. Three Problems of Public Reason Confucianism

Realizing the problematic implications of the moderate perfectionist approach, some moderate Confucian scholars begin to adopt the opposite approach to avoid deriving concepts and philosophical postulates directly from Confucianism. The most prominent example is what Sungmoon Kim calls “public reason Confucianism.” According to Kim, public reason Confucianism has two core premises: (1) there is a valuable Confucian way of life that is distinct from (if not starkly opposed to) a liberal way of life and (2) it is permissible for a state to promote or discourage some activities, ideas, or ways of life on the grounds of key Confucian values such as filial piety, respect for elders, ancestor worship, ritual propriety, and social harmony.²⁴ These premises are further supplemented by six propositions that together render public reason Confucianism a kind of democratic perfectionism:

P1: The valuable Confucian way of life refers to the collective way of living widely shared and cherished by citizens in a Confucian society.

P2: Citizens in a Confucian society are still saturated with Confucian habits, mores, and moral sentiments, despite their subscriptions to various comprehensive

²² See Footnote 6 for Chan’s three-part view of the good life. Many would argue that Martha Nussbaum’s version of political liberalism, which evolves from her capability theory, is a good example of this strategy. See Martha Nussbaum, *Women and Human Development: Capabilities Approach* (New York: Cambridge University Press, 2001). Martha Nussbaum, *Creating Capabilities: The Human Development Approach* (Belknap Press, 2013). Also see Rawls’ *Political Liberalism*, eds. Thom Brooks and Martha Nussbaum (New York: Columbia University Press, 2015).

²³ One could say the same of Catholicism and Islam, for instance. The problem of the oscillation between these two undesirable extremes (losing moderateness or losing identity) seems to arise whenever we envision the transition from one comprehensive doctrine to political liberalism. Rawls’s political liberalism begins with a plurality of comprehensive doctrines that have to coexist, not with one which wishes to “liberalize” itself for political or democratic reasons.

²⁴ Sungmoon Kim, “Public Reason Confucianism: A Construction,” *American Political Science Review* 109, No. 1 (Feb., 2015): 191.

doctrines, and even though they may not hold Confucianism as their self-consciously chosen personal value system.

P3: In a Confucian society, all citizens are equal to one another qua public citizens and together they exercise popular sovereignty.

P4: The Confucian (democratic) state respects constitutional rights held by its citizens, among others, the rights to religious freedom, freedom of conscience, freedom of expression, and freedom of association; thus the state has no desire either to suppress value plurality in civil society or to elevate Confucianism as the state religion.

P5: Confucian public reason refers to the reason of the democratic citizens in a Confucian society and it is rooted in Confucian mores, habits, and moral sentiments such as, but not limited to, filial piety and ritual propriety; it delineates the legitimate boundary of state action and provides moral content (which is open for public contestation) for basic rights, duties, and liberties.

P6: A subscription to Confucian public reason (as stipulated in P5) on the part of voluntary immigrants and cultural associations formed by them is the inevitable price for the fair terms of integration into the Confucian society (such as the equal right to freedom of association). While Confucian public reason must be justifiable to all citizens in a Confucian society, including immigrants, immigrated citizens must strive to negotiate their religious or nonreligious comprehensive doctrines with Confucian public reason in order to fully exercise their constitutional rights and liberties.²⁵

As it stands, Kim's public reason Confucianism *does* avoid the problem that Chan's Confucian political perfectionism faces, because the former does not begin from a substantially Confucian perspective and then attempt to be moderate or even neutral about it. Instead, Kim takes a somewhat unorthodox route and regards the empirical fact of shared Confucian mores and sentiments in East Asian societies as the key starting point. In addition, Kim argues that there are perfectionist implications in John Rawls' famous concepts of public reason and overlapping consensus. Kim's strategy is to make "Confucian perfectionist goods the core elements of public reason with which citizens can justify their arguments to one another and by which the state can justifiably exercise its public authority to reasonable citizens who otherwise subscribe to various

²⁵ Ibid.: 191-192.

comprehensive doctrines.”²⁶ Nevertheless, this approach is also problematic. In this section, I will focus on three interrelated issues: the issue of motivation and translation, the undesirable closedness of a Confucian society, and the potentially inegalitarian relations among citizens.

From the perspective of Confucianism, Kim’s thin version might be “too diluted or deracinated . . . to be recognizable to self-identified Confucians.”²⁷ Kim is fully aware of this problem and attempts to address a twofold challenge to his approach: “how is public reason Confucianism properly called ‘Confucianism,’” and “what if the public moral consensus on which [he draws] heavily in theorizing public reason Confucianism changes, leaning more toward Western liberalism?”²⁸ Kim responds to the former by drawing a distinction among forward-looking Confucian academics, traditional Confucian classicists, and members of Confucian associations or clans. Kim then argues that for the traditional Confucian classicists, any attempt to modernize Confucianism would strike them as making it less authentic and even non-Confucian. Moreover, instead of “self-identified Confucians” whose political significance in the region is “quite negligible,” the primary addressees of public reason Confucianism are “Confucian citizens” stipulated in P1 and P2, who “share the Confucian way of life” but “may not hold Confucianism as their self-consciously chosen personal value system.”²⁹ By terms such as “Confucian citizens” or “the Confucian way of life,” Kim does not mean that “contemporary East Asian societies are Confucian “in an institutionally guided, culturally monolithic, or philosophically monistic sense.”³⁰ Instead, Kim recognizes that contemporary East Asian societies, especially those that have been democratized, are “characterized by vibrant civil

²⁶ Ibid.: 187.

²⁷ Ibid.: 198-199.

²⁸ Ibid.

²⁹ Ibid.: 191, 199.

³⁰ Sungmoon Kim, *Public Reason Confucianism: Democratic-Perfectionism and Constitutionalism in East Asia* (Cambridge: Cambridge University Press, 2016), 91.

societies that are internally diverse,” and that people there are “increasingly pluralist and multicultural, subscribing to different moral, philosophical, and religious doctrines.”³¹ For instance, even among South Koreans, the most Confucian historically as well as to this day, albeit arguably, only a negligible number of people self-consciously identify Confucianism (i.e., religious Confucianism) as their personal value system.³² The once thick Confucian tradition is now only a thin “habit of the heart.”³³ Therefore, although public reason Confucianism may seem controversial to traditional Confucian classicists or even self-identified Confucians, it is “still importantly Confucian in the *normative* sense, in that it aims to promote Confucian values in ways compatible with East Asia’s increasingly democratic and pluralist societal context.”³⁴ However, this response is far from convincing. It is highly controversial to understand Confucianism in conjunction with the task of accommodating pluralism, because it risks functionalizing Confucianism and prioritizing pluralism over Confucianism, which Kim obviously tries to avoid in order not to appear too liberal. Kim’s response also leads to more questions than it answers. For instance, if the primary addressees of public reason Confucianism are citizens who share the Confucian way of life only unconsciously and may even subscribe to other value systems at the same time, and if the remaining Confucian lifestyle and commitments are largely confined to family settings, what will then motivate Confucian citizens to participate in a politically Confucian public reason? Kim’s approach is thus confronted with a somewhat similar problem found in liberal debates, i.e. how should one translate or frame one’s private

³¹ Sungmoon Kim, “Public Reason Confucianism: A Construction,” *American Political Science Review* 109, No. 1 (Feb., 2015): 193.

³² Byung-ik Koh, “Confucianism in Contemporary Korea,” *Confucian Traditions in East Asian Modernity: Moral Education and Economic Culture in Japan and Four Mini-Drags*, ed. Tu Wei-ming (Cambridge: Harvard University Press, 1996), 191–201.

³³ Sungmoon Kim, “Public Reason Confucianism: A Construction,” *American Political Science Review* 109, No. 1 (Feb., 2015): 193.

³⁴ *Ibid.*: 199.

comprehensive doctrine in order to participate in public reason? In the case of Confucian public reason, at least some Confucian citizens will face the challenge to “Confucianize” their non-Confucian personal value systems so as to be fully able to participate in Confucian public reason. In other words, there is a tension between the descriptive account of what Kim refers to as Confucian citizens in P1 and P2, and the normative account of what public reason Confucianism can achieve according to the rest of the propositions from P3 to P6.

One may object by arguing that Kim *does* take into consideration the problem of citizens and immigrants who are non-Confucians, since he argues that

Confucian public reason is the inevitable price for a fair integration of immigrants who have joined a new political community voluntarily, with full awareness that they are entering a Confucian society, a society that cherishes and publicly promotes certain Confucian values and in which citizens give justification to one another in light of Confucian public reason. As stipulated in P4 and P5, new citizens have the right to contest the currently dominant understanding of Confucian public reason first by negotiating it with their religious or non-religious comprehensive doctrines and then by offering an alternative notion of public reason that is intelligible to other citizens. In no case, however, are the fair terms of social integration meant to embrace unreasonable pluralism that is likely to erode the society’s Confucian public character and undermine the people’s right to collective self-government based upon it.³⁵

However, these comments presuppose a highly demanding view of citizenship because of its perfectionist commitment to Confucianism. First, as discussed above, there is a necessity for citizens and immigrants to “Confucianize” their personal values and commitments in order to properly participate in Confucian public reason.³⁶ Second, citizens must definitively prioritize the maintenance of Confucian public character over the right to contest and even social integration. This latter point leads to a different and even more severe problem. Non-Confucian

³⁵ Sungmoon Kim, “Public Reason Confucianism: A Construction,” *American Political Science Review* 109, No. 1 (Feb., 2015): 198.

³⁶ To put it bluntly, this suggestion is rather assimilationist in the same sense as requiring Muslim refugees in the EU to embrace Christianity. However, it is different to require that they embrace democracy.

citizens and immigrants could potentially propose an alternative model of public reason, yet the alternative must be 1) intelligible to other citizens, and 2) unlikely to undermine the society's Confucian public character. What if a majority of citizens and immigrants propose an intelligible but less Confucian model of public reason, is it possible for this alternative to become the dominant model? Of course not, because the second requirement dictates that any alternative that could erode the Confucian public character of society will not be embraced.³⁷ As Kim puts it, public reason Confucianism will actually *prevent* society from becoming too Western because of its demanding view of public reason and citizenship, which is a logical conclusion following Kim's assumptions but also sets up an unnecessary divide between the Confucian and the Western.³⁸ What if the progression of society leads to a third possibility where the public character lies beyond the Confucian and the Western? Kim's theory leaves little room for this possibility of social transformation.

One implication of this closed view of Confucian society is that public reason Confucianism risks inegalitarianism among citizens. At first glance, equality is taken into serious consideration in one of Kim's postulations (P3). In fact, public reason Confucianism is "qualitatively different from the traditional Confucianism practiced by East Asians in premodern periods and from the version some traditionalists in the region still cling to, a Confucianism that is heavily patriarchal, androcentric, and hierarchical," because equality in public reason Confucianism is guaranteed by virtue of people's democratic citizenship.³⁹ Furthermore, as P3 clearly indicates, the equality of citizens is predicated upon their *public character*, which in Kim's theory almost always means *publicly Confucian*, because Confucian character is highly

³⁷ Ibid.: 198-199.

³⁸ Ibid.: 199.

³⁹ Ibid.: 193-194.

prioritized for the sake of the collective social outlook. With regard to the private sphere, Kim is oddly silent, as if equality qua citizenship leads to equality *in toto*. There is no doubt that public reason influences private reason, which is why some wonder if Rawls' neutral political approach leads to indifference in people's private lives.⁴⁰ The same can be said about public reason Confucianism. If Confucian character dominates public reason as well as the understanding of equality, what will be the impact over privately interacting people? In the Confucian society Kim has in mind, there are bound to be self-identified Confucians, local people who are unconsciously Confucian yet consciously endorse other value systems, as well as non-Confucian immigrants. Even if they are all political equals as far as public reason is concerned, what is there to prevent the first group from discriminating against the latter groups simply because the latter groups are not as "authentically Confucian" as the first group and potentially contribute to diluting the Confucian outlook of society? Again, Kim may object, since he makes it clear that "the criterion by which to judge whether or not Confucian democratic citizens treat immigrants fairly is not so much whether they expect immigrant groups to appeal to Confucian public reason in public deliberation processes, but whether they respect the minority groups' right to basic freedoms (for instance, freedom of association) as equally as other cultural groups."⁴¹ But this is contradictory to Kim's other claim where he says, "In no case, however, are the fair terms of social integration meant to embrace unreasonable pluralism that is likely to erode the society's Confucian public character."⁴² Let us assume that there are now an increasing number of local Confucian citizens who begin to actively adopt non-Confucian doctrines, and that there happen

⁴⁰ See for instance Corey Brettschneider, "The Politics of the Personal: A Liberal Approach," *American Political Science Review* 101, No. 1 (Feb., 2007): 19-31.

⁴¹ Sungmoon Kim, "Public Reason Confucianism: A Construction," *American Political Science Review* 109, No. 1 (Feb., 2015): 198.

⁴² *Ibid.*

to be an influx of immigrants coming to the society who happen to adopt similar doctrines. Although the population who adhere to these non-Confucian doctrines has not yet reached the majority, it is serious enough to potentially alter the society's Confucian public character. Under this circumstance, should other Confucian democratic citizens still respect these people's right to the basic freedom of association, even if the latter can show that their values and commitments can be compatible with major Confucian doctrines? The answer is not immediately clear. To address this concern, Kim will need a more fundamental and perhaps Confucianism-independent understanding of equality, which Kim avoids for the purpose of not appearing too liberal-oriented. The issue of motivation and translation, the undesirably closed view of Confucian society, as well as the potentially unequal relations among citizens all demonstrate that Kim's strong emphasis on Confucianism inevitably backfires on an otherwise step forward in moderate Confucian political theory and Confucian democracy.

6.4. Taking Pluralism Seriously

It should become clear by now that the discontents with these two promising theories to bring Confucianism back to the center of political philosophy stem from the conflict between the authors' clear recognition of pluralism on the one hand, and their strong yet different emphasis on Confucianism on the other. It is somewhat contradictory to say that pluralism needs to be taken seriously, *and* that Confucianism is nonetheless going to be the dominant source of political imagination. But just how pluralistic is East Asia as a whole? It is one thing to discuss pluralism in theory, and quite another to convincingly demonstrate that theory and practice indeed match up. According to Doh Chull Shin's comprehensive empirical studies that draw from the second wave of Asian Barometer Surveys (ABS) and the fifth wave of World Values

Surveys (WVS) conducted during the period between 2005 and 2008, East Asia has already become a highly divided and pluralistic region with a diversity of traditions within which Confucianism is only one among many.⁴³ For instance, *ren* and *li* are two of the most important Confucian virtues. As for *ren*, benevolence and humaneness form the foundation of all other virtues. As for *li*, the appropriate way to address interpersonal and hierarchical relationship is central in fulfilling the duties and obligations associated with one's status. To explore the Confucian way of life in practice, Shin taps orientations to the two norms by asking respondents survey questions, collecting their answers, and then converting their responses to a 7-point index. Those who scored above the index mean of 3 are considered highly constrained by the two Confucian norms of *ren* and *li*.⁴⁴ In addition, Shin also conducts a similar survey concerning four out of the five cardinal relationships known in Confucianism: the relationship between father and son, between husband and wife, between elder and younger brothers, and between friends.⁴⁵

The survey results are quite revealing. As for the orientations to *ren* and *li*, only Taiwan (3.3), China (3.2), and Vietnam (3.2) scored slightly above the midpoint of 3.0, and they are followed by Korea (2.3) and by Japan (1.3), which scored significantly below the midpoint.⁴⁶ As for the attachment to family and groups, the result is even more telling:

contrary to what is expected from the Confucian ethical doctrine emphasizing mutual dependence in all interpersonal relationships, those strongly attached to either family or friends do not constitute a majority in any of the five Confucian countries. In all but Vietnam, they constitute small minorities of less than one-quarter. Only in Vietnam, do as many as two out of five people (40%) feel strongly attached to family. In Japan, fewer than one in fifteen people is strongly attached to either group. In all Confucian countries including Vietnam, moreover, those strongly attached to both groups constitute very small minorities, ranging from less than 1 percent in Japan to 13 percent in Vietnam. In Confucian Asia

⁴³ Doh Chull Shin, *Confucianism and Democratization in East Asia* (New York: Oxford University Press, 2012).

⁴⁴ Ibid., 90.

⁴⁵ Ibid., 89-90. The relationship between ruler and subject is excluded.

⁴⁶ Ibid., 94.

today, most people no longer feel strong bonds to the people they regularly interact with, including their own family.⁴⁷

Based on these empirical findings, it becomes clear that “Confucian countries are culturally more divided than united in upholding what Confucius taught concerning how to live a fully human life.”⁴⁸ This conclusion is supported by further empirical findings. For instance, South Korea is generally believed to be the most Confucian country in all of East Asia. However, according to the 1984 *Manual for Religions in Korea* published by the Republic of Korea’s Religious Affairs Office of the Ministry of Culture and Information, “the number of Confucians was only slightly under 800,000, while Buddhists numbered 7.5 million and Christians (Protestants and Catholics together) totaled about 7 million.”⁴⁹ The importance of these statistics is that they are based on self-identification (i.e., the respondents were asked to fill in their religion on the census sheet). Those who answered “Confucian” to the census “amounted to only 2 percent of the total population,” whereas those self-identified as Buddhists and Christians account for 19 and 17.5 percent, respectively.⁵⁰ Beyond South Korea, David Elstein also correctly observes that “the Umbrella Movement in Hong Kong and the Sunflower Revolution in Taiwan were entirely free from appeals to Confucian thought.”⁵¹ Thus, it is reasonable to conclude that in East Asia today, “popular attachment to Confucianism is miles wide but only inches deep: Most of the population reports attachment, but a shallow attachment, to Confucian legacies.”⁵² Contemporary East Asian

⁴⁷ Ibid., 92.

⁴⁸ Ibid., 94.

⁴⁹ Koh Byong-ik, “Confucianism in Contemporary Korea,” *Confucian Traditions in East Asian Modernity*, ed. Tu Wei-ming (Cambridge: Harvard University Press, 1996), 192.

⁵⁰ Ibid.

⁵¹ Elstein goes so far as to wonder “whether the continued relevance of Confucianism in modern political culture in East Asia is a scholar’s fantasy more than anything else,” and states that as far as young people are concerned, they “do not seem to look to Confucianism as a source of political values. Liberal values are a greater inspiration.” Both claims are obviously on the extreme side, but they can find some support from empirical studies. David Elstein, “The Future of Confucian Politics in East Asia,” *Dao* 15 (2016): 444.

⁵² Doh Chull Shin, *Confucianism and Democratization in East Asia* (New York: Oxford University Press, 2012), 320.

countries traditionally regarded as homogeneously Confucian are in fact highly divided in terms of cultural preference and pluralistic when it comes to different religions and value systems that exert influence on the general public. Confucianism has become one of the many sources of influence for East Asians.

Furthermore, in light of the contemporary democratic deficit and the rise of populism in recent phenomena such as Brexit and the Trump presidency, the term “reasonable pluralism,” which is popularized by John Rawls and on which both Chan’s and Kim’s theories heavily rely, might be too idealized. According to Alessandro Ferrara, the reason is that Rawls sees his project as an attempt to reconcile “the tradition associated with Locke, which gives greater weight to what Constant called ‘the liberties of the moderns’” and “the tradition associated with Rousseau, which gives greater weight to what Constant called ‘the liberties of the ancients.’”⁵³ However, “in very few places in the world can we encounter a polity where these two conceptions are embraced by a majority of citizens,” which leads to the implication that Rawls’ political liberalism is in fact drawn on for inspiration based on “a highly stylized picture.”⁵⁴ In the world we actually inhabit, societies are populated by people who adhere to such diverse comprehensive doctrines as Roman Catholicism, Islam, Orthodox Christianity, Hinduism, and Confucianism. The difficulty, as Ferrara correctly points out, is that some of the basic constitutional essentials – the idea of equality among all citizens, gender equality, the idea of the citizen as a self-authenticating source of valid claims, freedom of conscience, the consequent ban on apostasy, etc. – could become highly problematical at least for some of the more traditional citizens.⁵⁵ This condition is what Ferrara calls “hyperpluralism” – defined as “the presence on the ground of

⁵³ John Rawls, *Political Liberalism* (New York: Columbia University Press, 2005), 5.

⁵⁴ Alessandro Ferrara, *The Democratic Horizon: Hyperpluralism and the Renewal of Political Liberalism* (Cambridge: Cambridge University Press, 2014), 90.

⁵⁵ *Ibid.*, 90.

cultural differences that exceed the range of traditions that Rawls sought to reconcile within *Political Liberalism*, and of comprehensive conceptions that are only partially reasonable, display an only partial acceptance of the burdens of judgment or make their adherents endorse only a subset of the constitutional essentials”⁵⁶ – that leads him to modify Rawls’ famous opening question in *Political Liberalism* as follows:

how is it possible for there to exist over time a just and stable society of free and equal citizens, who remain profoundly divided by religious, philosophical and moral doctrines some of which are reasonable and susceptible of giving rise to an overlapping consensus, and some of which are only partially reasonable, display only an incomplete acceptance of the burdens of judgment and cannot be brought to endorse all of the constitutional essentials?⁵⁷

This question is especially relevant for Confucian theorists, such as Chan and Kim, who wish to maintain a Confucian overlapping consensus and constitutional essentials but are confronted with problematic implications regarding non-Confucians. In the case of Kim, even Confucian public reason may seem futile in the face of hyperpluralism, because public reason derives conclusions that are reasonable or reasonably nonrejectable from shared premises. However, it is not surprising that “under conditions of hyperpluralism public reason often might idle in utter impotence for lack of a sufficiently thick layer of ‘shared premises,’” which means that public reason, even its Confucian variant, may fail to “reach out to those citizens whose comprehensive conceptions, due to their relevance in the public discourse or to the large number of their adherents, should be included in the overlapping consensus.”⁵⁸ Not only non-Confucian immigrants but also unconsciously Confucian citizens may find it difficult, if not impossible, to accept the shared Confucian premises required to participate in Confucian public reason. Moreover, alternative value systems that may potentially be compatible with Confucianism could

⁵⁶ Ibid., 100.

⁵⁷ Ibid., 91.

⁵⁸ Ibid., 100.

also be rejected because the former may erode the Confucian public character of society. The claim that “a subscription to Confucian public reason on the part of voluntary immigrants and cultural associations formed by them is *the inevitable price* for the fair terms of integration into the Confucian society” is destined to raise some doubts.⁵⁹ If “integration” is understood as living together in the same polity as free and equal citizens, then “it can never be a one-way process of adaptation of one or more ‘minorities’ to the cultural hegemony of the majority,” without thereby implying oppression at the same time.⁶⁰

6.5. Conclusion

Since the main source of discontents found in Chan’s moderate political Confucianism and Kim’s public reason Confucianism is their shared failure to truly take pluralism seriously, and since empirical observations of the contemporary status of Confucianism support the claim that Confucianism no longer enjoys cultural dominance in East Asia, then the more reasonable question to ask is how we can imagine countries in East Asia to establish and maintain sustainable democracies capable of accommodating the permanent fact of reasonable pluralism, *and* preserving the continued existence of Confucianism as well as its positive influence at the same time.⁶¹ Therefore, taking pluralism truly seriously implies treating Confucianism as one of the many comprehensive doctrines in East Asia on which the future of democracy in East Asia

⁵⁹ Sungmoon Kim, “Public Reason Confucianism: A Construction,” *American Political Science Review* 109, no. 1 (Feb., 2015): 191-192. Kim calls it “an unavoidable price” in another paper. See Sungmoon Kim, “A Pluralist Reconstruction of Confucian Democracy,” *Dao* 11 (2012): 333. For further discussion on Confucianism for non-Confucians, see Ralph Weber, “Confucian Political Philosophy for Non-Confucians,” *Frontiers of Philosophy in China* 10, No. 4 (2015): 547-567.

⁶⁰ Alessandro Ferrara, *The Democratic Horizon: Hyperpluralism and the Renewal of Political Liberalism* (Cambridge: Cambridge University Press, 2014), 88.

⁶¹ To be clear, I share with Chan and Kim the conviction that Confucianism ought not be simply dismissed as a doctrine of the past. I nonetheless differ from them when it comes to how Confucianism should be maintained within a sustainable democracy.

depends. By way of conclusion, I will briefly highlight a possible remedy to Chan's approach. An alternative approach to democracy, which draws from Kim's recent argument for a pragmatic understanding of democratization, will be discussed in greater detail in the next chapter, on the basis of which I will propose what I call the multivariate model of democracy for East Asia.

It will be remembered that "moderate" means for Chan that Confucian perfectionism does not require prior acceptance of Confucianism, because "the core values of Confucianism such as virtues, human ethical relations, the mutual commitment of the ruler and the ruled, the principle of benevolent politics, and fair rewards and punishments in the political system can be accepted or understood by many people without their adopting Confucianism as a comprehensive doctrine."⁶² However, this moderation leads to instability when it is combined with a rather ambitious goal to justify liberal democratic institutions on Confucian grounds. What Chan calls the "bottom-up" approach, which is the opposite to the "top-down" approach that endorses Confucianism as a comprehensive state doctrine, is not sustainable unless the question of "why Confucianism" is fully answered.⁶³

There are two ways to avoid this problem. Completely falling back to comprehensive Confucianism is certainly not acceptable to either Chan or Kim. So the more sensible option is to follow through the liberal tendency, which leads to the first of the two democratic possibilities in East Asia that I wish to highlight. Specifically, the bottom-up approach, as I suggested earlier,

⁶² Joseph Chan, *Confucian Perfectionism: A Political Philosophy for Modern Times* (Princeton: Princeton University Press, 2014), 204.

⁶³ For Chan, the reason why he wishes to avoid comprehensive forms of Confucianism is that "it damages civility." However, as Steven Wall points out, the duty of civility is independent of moral content. Chan is in a difficult position to ground civility. On the one hand, if civility is grounded on Confucian doctrines, then what is so moderate about this theory? On the other hand, if civility is indeed morally independent, then the theory risks a "massive blurring of the meaningful difference between Confucian and liberal perfectionism," which is likely to "reintroduce the state neutrality" that Chan sets out to overcome in the first place. Steven Wall, *Liberalism, Perfectionism and Restraint* (Cambridge: Cambridge University Press, 2007), 79. Sungmoon Kim, *Public Reason Confucianism: Democratic-Perfectionism and Constitutionalism in East Asia* (Cambridge: Cambridge University Press, 2016), 46.

needs to go still further to focus on core values that are *shared but not tied to* any comprehensive doctrine in particular, which cuts the undesirably strong tie with Confucianism.⁶⁴ These shared core values may still be too ideal to find if people are expected to either endorse them for the same (Confucian) reasons or according to compatible parts of their own comprehensive doctrines. Nevertheless, people *can* endorse these core values for partly or fully prudential reasons.⁶⁵ This “lowered bar” can help to avoid the instability Chan must confront when he insists that the core values of Confucianism, such as virtues, human ethical relations, the mutual commitment of the ruler and the ruled, the principle of benevolent politics, and fair rewards and punishments in the political system must remain central in the domain of the political.⁶⁶ Instead, Confucian citizens may fully endorse the overlapping consensus and constitutional essentials for fully or partially Confucian reasons, if they are able to find the appropriate justification. Alternatively, they may also endorse the overlapping consensus and constitutional essentials for fully or partially prudential reasons, the stability of society for instance. The price associated with this approach, as Kim points out in his critique of Chan, is the possible reintroduction of state neutrality, which, as I will argue in the next chapter, is precisely what a promising model of democracy in East Asia requires.⁶⁷

⁶⁴ I also discussed these core values in Chapter 2.

⁶⁵ Alessandro Ferrara recently proposes what he calls “multivariate democratic polity” that takes advantage of both partially and fully prudential reasons to mitigate the effect of hyperpluralism and perhaps emancipate us from the trap of mutual resentment within which majorities and minorities might end up being caught. This proposal consists of “conceiving of the democratic polity as a multivariate unity that includes both overlapping-consensus-type and *modus vivendi*-type relations between the citizens participating in the overlapping consensus over the political conception of justice and over the constitutional essentials, as well as other groups of citizens embracing partially reasonable comprehensive conception.” In Chapter 7, I will argue on the basis of Ferrara’s theory that a multivariate model of democracy represents a much more promising direction for East Asia. Alessandro Ferrara, *The Democratic Horizon: Hyperpluralism and the Renewal of Political Liberalism* (Cambridge: Cambridge University Press, 2014), 106.

⁶⁶ See Joseph Chan, *Confucian Perfectionism: A Political Philosophy for Modern Times* (Princeton: Princeton University Press, 2014), 204.

⁶⁷ Sungmoon Kim, *Public Reason Confucianism: Democratic-Perfectionism and Constitutionalism in East Asia* (Cambridge: Cambridge University Press, 2016), 48.

Chapter 7: Confucianism and Multivariate Democracy in East Asia

7.1. Introduction

The relationship between Confucianism and democracy has been widely debated among contemporary Confucian political theorists. The debate is often between four competing models.¹ First, there is the conflict model. Most commonly advocated during the first wave of democratization in East Asia, this model sees Confucianism as an obstacle to democratization.² Second, there is the critical model, which says that Confucianism ought to be the arbiter of the political norm, and that democracy is full of deficiencies and flaws from a Confucian point of view.³ Third, the compatibility model argues that there are elements in Confucianism and Confucian culture that are positive in relation to democracy. Confucianism can be reinterpreted to (fully) converge with democracy.⁴ Finally, the hybrid model argues that the practice of

¹ I borrow this classification from Baogang He, “Four Models of the Relationship between Confucianism and Democracy,” *Contemporary Chinese Political Thought: Debates and Perspectives*, eds. Fred Dallmayr and Tingyang Zhao (University Press of Kentucky, 2012), 131-151. The four models are sometimes presented differently, for instance see Doh Chull Shin’s characterization of a three-model debate between compatibility, incompatibility, and convergence. Doh Chull Shin, *Confucianism and Democratization in East Asia* (Cambridge University Press, 2012), 68-70.

² For instance, in China, one of the central messages of the May the Fourth Movement in the 1910s was the corruptive effect of Confucianism, which ought to be replaced by Mr. Democracy and Mr. Science. Confucianism was also used to suppress democratic reforms. Chiang Kai-Shek employed Confucianism in the 1930s and 1940s in mainland China and then in the 1970s in Taiwan to contain the trend toward democratization. A similar approach was also seen in Singapore in the 1980s when Confucianism was used as a justification for Asian values against Western democratic influence.

³ The critical model is different from the conflict model in that the former not only admits the conflicting relationship between Confucianism and democracy but also reverses the usual order of judgment. In contrast to the supposedly Eurocentric point of view, the critical model argues that Confucianism ought to be judge of democratic merits and demerits. Both Kang Xiaoguang and Jiang Qing have developed critiques of liberal democracy that represent this model. Jiang Qing even proposed a highly controversial theory of political Confucianism that he calls Confucian constitutionalism. See Jiang Qing, *A Confucian Constitutional Order: How China’s Ancient Past Can Shape Its Political Future*, eds. Daniel A. Bell and Ruiping Fan, trans. Edmund Ryden (Princeton: Princeton University Press, 2012).

⁴ Compatibility has become a mainstream model among Confucian scholars who wish to facilitate democratization of East Asia. See Chung-ying Cheng, “Transforming Confucian Virtues into Human Rights” *Confucianism and Human Rights*, eds. William Theodore de Bary and Tu Weiming (New York: Columbia University Press, 1998), 142–153. Also see Yingshi Yu, *Anthology of Yu Yingshi*, Vol. 2 (Traditional Chinese Thought and Its Present Day Transformation) and Vol. 6 (Democracy and Modern Civilization) (Guilin: Guangxi Shifan Daxue Chubanshe,

democracy and the process of democratization are always a mix of Western and Confucian cultures. Because of the subtle tensions between the two, the key is to find the best proportion of the different ingredients from Confucianism and democracy.⁵ While the conflict and critical models usually lead to some kind of meritocracy or comprehensive perfectionism that put Confucianism in the center of the social and political agenda, the compatibility and hybrid models are often advocated by more moderate or even liberal-minded Confucian political theorists who wish to incorporate at least some liberal and democratic ideals and institutions in East Asia.

However, as Sungmoon Kim correctly points out, moderate Confucian political theorists “tend to take certain values of democracy for granted,” which manifests in two aspects.⁶ First, the justification of democracy in East Asia is not clearly and convincingly presented, which gives Confucian meritocratic theorists and comprehensive Confucian political theorists an opportunity to dismiss these moderate attempts as misguided. Second, democracy is regarded as a static institution either imposed upon or juxtaposed with Confucianism, which tends to overshadow the difficulty of the initial transition to and subsequent sustainability of democracy. Kim aims to correct both oversights with what he calls “pragmatic Confucian democracy” that makes use of the instrumental value of democracy during its transitional period, and relies on

2004). Also see Yusheng Lin, *The Crisis of Chinese Consciousness: Radical Anti-traditionalism in the May Fourth Era* (Beijing: Sanlian Shudian, 1988).

⁵ This model is different from the simpler view of compatibility in that the former does not assume a smooth convergence between Confucianism and democracy. Instead, the hybrid model recognizes inherent tensions between Confucianism and (especially liberal) democracy, and it aims to take the best elements from both worlds in order to produce the most ideal result. The hybrid model is more commonly found in more liberal-minded Confucian thinkers who wish to incorporate at least some liberal democratic ideals and institutions in their views of political Confucianism. See Joseph Chan, *Confucian Perfectionism: A Political Philosophy for Modern Times* (Princeton: Princeton University Press, 2014). Sungmoon Kim, *Public Reason Confucianism: Democratic-Perfectionism and Constitutionalism in East Asia* (Cambridge: Cambridge University Press, 2016).

⁶ Sungmoon Kim, “Pragmatic Confucian Democracy: Rethinking the Value of Democracy in East Asia,” *The Journal of Politics* 79, No. 1 (January, 2017): 237.

what he refers to as the “mutual accommodation thesis” that will lead to a mutually beneficial relationship between Confucianism and democracy during democratic consolidation and maturity. In this way, Kim thinks that citizens will be convinced of the value of democracy and maintain a virtuous circle between Confucianism and democracy. Although it clearly recognizes the fact of reasonable pluralism in East Asian societies by limiting the role of Confucianism to accommodating the intrinsic value of democracy at the later stage of democratization, pragmatic Confucian democracy still falls short in justifying the unique role Confucianism plays in accommodating democracy in East Asia, because it does not fully acknowledge a diversity of ways that people under the influence of different comprehensive doctrines might come to terms with democracy. As a consequence, similar to his theory of public reason Confucianism, Kim’s approach to democracy will also invite criticisms from both the Confucian side that casts doubt upon his bracketing strategy to keep Confucianism only to the later stages of democratization, and the democratic side that does not think the proposal is authentic democracy because it leaves too little room for non-Confucian groups.

In response, I will argue in this chapter that to be truly pragmatic about democracy is to hold a pluralistic attitude toward how people will come to terms with it. It is not necessary to limit Confucianism in order for a political theory to achieve a moderate outlook. Instead, the more reasonable question to ask is how sustainable democracies can be established and maintained while accommodating a diversity of comprehensive doctrines, of which Confucianism is only one among many. On the basis of these considerations, I will propose an alternative model of democracy for East Asia with three key theoretical components. First, this model of democracy is multivariate in structure, meaning that citizens can relate to democratic constitutional essentials in a diversity of manners from within their comprehensive doctrine, or

for partially or even fully prudential reasons. Drawing from Alessandro Ferrara's recent work, I will show that a multivariate structure more pragmatically captures the social and political condition during democratic transition. Second, I will argue that democracy in East Asia ought to include a neutral state, which means that Confucianism should not be officially endorsed by the state, nor should it hijack the neutral language of public reason to directly influence policy and legislation. Finally, having a neutral state does not mean that Confucianism will be banished to the private sphere. On the contrary, it can have a very active public role to play, which not only helps preserve its cultural significance but also enables Confucianism to contribute to the domain of the political. This multivariate model, in my view, points to a more promising future for democracy in East Asia.

7.2. The Pragmatic Turn for Confucian Democracy

Among moderate Confucian political theorists, the value of democracy has become more or less a consensus. However, what the value of democracy entails is less obvious. According to Kim, there is a false dichotomy in contemporary literature between the Schumpeterian conception of democracy, which views the value of democracy in a strictly instrumental sense, and the Deweyan conception of democracy, which grants democracy intrinsic value beyond its institutional function. The important insight in Kim's study is that "the Schumpeterian model and the Deweyan model should not be understood as two distinct, mutually exclusive conceptions of democracy, but rather as illuminating different features of democracy, each salient (comparatively speaking) at a different stage."⁷ Specifically, three stages can be identified in Kim's account:

⁷ Sungmoon Kim, "Pragmatic Confucian Democracy: Rethinking the Value of Democracy in East Asia," *The Journal of Politics* 79, No. 1 (January, 2017): 241.

(1) In the transition stage—whether from early modern absolutism or modern forms of authoritarianism—the Schumpeterian model looms large because the instrumental value is the key motivating force of regime transition on which this model of democracy is undergirded.

(2) The Deweyan model gains its salient normative significance during the period of democratic consolidation in which democracy becomes “the only game in town,” attitudinally, behaviorally, and constitutionally, as well as perennially beyond.

(3) It is by immersing themselves in the process of public problem solving in formal decision-making institutions as well as in various public forums in civil society that citizens can grow in democratic skills and public judgment. Only at this stage can democracy, originally pursued for sheer instrumental reasons, attain its intrinsic value, becoming our democracy. Only then will citizens neither look back to their authoritarian past with nostalgia for a perpetual life of being ruled and provided for nor be tempted to trade the values of political autonomy and common citizenship (i.e., their sovereign status) with the goods (largely economic) that some nondemocracies claim to deliver better.⁸

Based on this multi-stage view that mediates between the two standard conceptions of democracy, Kim proposes what he refers to as “pragmatic Confucian democracy” that is supposed to be a superior model for the establishment and maintenance of democracy in East Asia where authoritarian history still haunts its modernization process.⁹

According to Kim, Pragmatic Confucian democracy is first and foremost a form of democracy that “derives its value initially from its institutional and instrumental ability to effectively and legitimately coordinate complex social interactions among citizens with diverse moral and material interest,” and only then will it justify “values accrued in the course of living the democratic way of life, which make democracy intrinsically valuable.”¹⁰ When it comes to institutional justification, a pragmatic Confucian democrat is essentially “a moderate political consequentialist,” in the sense that her political support for democracy is “not primarily to best

⁸ Ibid. The second and the third stages can be combined to denote a subsequent stage of democratization where the intrinsic value of democracy is recognized by the general public.

⁹ Ibid.: 237-249.

¹⁰ Ibid.: 244-245.

realize certain moral ends cherished by ancient Confucianism” but to advocate “an overarching and authoritative political institutional framework under which coercive political power is exercised legitimately, in the people’s name.”¹¹ In other words, most people will likely to be motivated by instrumental reasons for democracy during initial phase of democratic transition. As democracy gains its footing, citizens need to go beyond the instrumental view of democracy and develop the capacity to appreciate the intrinsic value of democracy. This is achieved with the guidance of the “mutual accommodation thesis,” according to which “a newly introduced democratic way of life should dialectically interact with the local Confucian civic culture, thereby generating the *Confucian democratic culture*, a new civic culture distinct from both liberal civic culture and traditional undemocratic Confucian civic culture.”¹² This mutually accommodation relationship “not only enables us to engage with various forms of local Confucianism that actually exist in modern East Asia with continuing social evolution, but more importantly in the present context, helps us make sense of the significance of Confucianism as a civic culture in the process of democratic consolidation and further maturation of the democracy afterward.”¹³ Pragmatic Confucian democracy thus realizes both instrumental and intrinsic value of democracy in a multi-stage fashion without compromising Confucian civic culture in East Asia.

The pragmatic focus, supported by the mutual accommodation thesis, makes pragmatic Confucian democracy stand out among contemporary theories of Confucian democracy.

¹¹ Ibid.: 245.

¹² Ibid.: 247.

¹³ Kim gives the example of gender equality. There is no doubt that traditional Confucianism has long been rationalizing its androcentric, patrimonial, and patriarchal tendencies. However, “in the post-democratic constitutional and societal context in which the value of gender equality is publicly recognized, all sorts of gender inequalities that have severely injured the equal public standing of women . . . are to be rectified in ways that can elevate them as equal . . . citizens who can actively participate in public decision-making processes without fear.” Ibid.: 247-248.

However, it still falls short in justifying the unique role Confucianism plays in accommodating democracy when it is only one among many comprehensive doctrines in East Asia. Pragmatic Confucian democracy is ironically not “pragmatic” enough, because it does not fully acknowledge a diversity of ways that people under the influence of different comprehensive doctrines might come to terms with democracy. In the next section, I will elaborate on this problem, and argue that pushing on the pragmatic tendency will lead to an alternative and more promising model of democracy for East Asia.

7.3. The Problem with Pragmatic Confucian Democracy

Although Confucianism has historically penetrated both the public and the private spheres in East Asian societies, it is both empirically and theoretically questionable to take Confucianism and its associated cultural heritage for granted, and claim that it will necessarily serve as *the* civic culture that defines democracies in East Asia.¹⁴ Many moderate Confucian political theorists clearly recognize this pluralistic condition. One of the motivations behind Joseph Chan’s moderate Confucian perfectionism is to show through “a piecemeal and moderate approach” that certain Confucian values and principles can be endorsed by citizens who do not subscribe to Confucianism and serve to ground a number of basic institutions of liberal democracy.”¹⁵ Kim is perhaps one of the most vocal thinkers to clearly acknowledge the fact of reasonable pluralism in East Asian societies. According to Kim, contemporary East Asian societies, “especially those that have been democratized, are characterized by vibrant civil

¹⁴ For a comprehensive empirical study on the role of Confucianism in contemporary East Asia, see Doh Chull Shin, *Confucianism and Democratization in East Asia* (New York: Oxford University Press, 2012). Also see *East Asian Perspectives on Political Legitimacy*, eds. Joseph Chan, Doh Chull Shin, and Melissa Williams (New York: Cambridge University Press, 2016).

¹⁵ Joseph Chan, *Confucian Perfectionism: A Political Philosophy for Modern Times* (Princeton: Princeton University Press, 2014), 199-200.

societies that are internally diverse. People there are increasingly pluralist and multicultural, subscribing to different moral, philosophical, and religious doctrines.”¹⁶ In South Korea for instance, only a negligible number of people self-consciously identify Confucianism (i.e., religious Confucianism) as their personal value system.¹⁷ Therefore, it is not surprising to see that the purpose of Kim’s pragmatic Confucian democracy when it comes to realizing the instrumental value of democracy is

not so much to faithfully serve what classical Confucianism requires ethically by means of state perfectionism as to theorize a principled way in which democracy both as a political system and as a way of life can acquire its instrumental and intrinsic values in a way intelligible to citizens of East Asia who no longer subscribe to fully comprehensive Confucian philosophies and/or moral doctrines but nonetheless live by a certain aspect of Confucianism, which is partially comprehensive, as a crucial part of their shared civic culture.¹⁸

But if this is the case, then why does the further development of democracy where the intrinsic value of democracy is recognized have to happen within a *Confucian* civic culture rather than a civic culture constituted by a plurality of comprehensive doctrines, which actually reflect the contemporary condition of East Asian societies? In other words, if Kim is correct, and I think he is, in saying that a pragmatic turn is needed to justify democratization in East Asia, which means that a purely or partially Confucian argument for democracy may be insufficient to convince people of the value of democracy, why is there the need to go back to Confucianism after the initial democratic transition in order to realize the intrinsic value of democracy? There seems to be a missing link between the instrumental argument and the intrinsic argument for the value of democracy.

¹⁶ Sungmoon Kim, “Public Reason Confucianism: A Construction,” *American Political Science Review* 109, no. 1 (Feb., 2015): 193.

¹⁷ For more discussion on empirical evidence, see Chapter 6.

¹⁸ Sungmoon Kim, “Pragmatic Confucian Democracy: Rethinking the Value of Democracy in East Asia,” *The Journal of Politics* 79, No. 1 (January, 2017): 246.

Kim might respond that the mutual accommodation thesis precisely serves as such a link. Unlike the liberal congruence thesis, which posits that “nonliberal democratic citizens can only be ‘introduced’ to the intrinsic value of democracy if the intrinsic value of living according to their cultural way of life is replaced by, or transformed into, a new public mode of life (i.e. a liberal democratic life) that is extrinsic to their lifestyle and self-understanding,” the mutual accommodation thesis proposes a two-way transformation between Confucian culture and democratic culture that leads to a coherent Confucian democracy. But this response dodges the more fundamental question of “why Confucianism” with the assumption that Confucianism is in a unique place to accommodate the intrinsic value of democracy. Even granting the validity of the mutual accommodation thesis will not help, because other comprehensive doctrines can claim similar capacity to accommodate and realize the intrinsic value of democracy.¹⁹ If there is a mutual accommodation thesis between democracy and Confucianism, should there not be a similar thesis between democracy and Buddhism, or democracy and Christianity? If the answer is negative, the burden is on Kim to explain why Confucianism is in a unique position to accommodate democracy. If the answer is positive, which is already demonstrated by a wide variety of comparative political theories that aim to bridge the gap between democracy and different comprehensive doctrines, then Kim’s claim that the end result of mutual accommodation is “Confucian democratic culture” becomes questionable. In fact, as I argued in Chapter 6, moderate Confucian political theories are often caught in an awkward position that invites criticisms from both the democratic side and the Confucian side.²⁰ Pragmatic Confucian

¹⁹ For a discussion on how different comprehensive doctrines can utilize their internal resources to accommodate democracy on the basis of democratic ethos of their cultures, see Chapters 3 and 5 of Alessandro Ferrara, *The Democratic Horizon: Hyperpluralism and the Renewal of Political Liberalism* (Cambridge: Cambridge University Press, 2014).

²⁰ One way to avoid this problem is to enlarge the scope of the mutual accommodation thesis to include non-Confucian doctrines, but this will certainly take away the central point of pragmatic Confucian democracy.

democracy is no exception: the democratic side does not think it is authentic democracy because it leaves too little room for non-Confucian groups, and the Confucian side does not think it is sincerely Confucian because it is not grounded on or aim to promote Confucian values.

This problem nevertheless points to an interesting direction already found in Kim's account. Once we take "Confucian" away from "pragmatic Confucian democracy," what remains is a pragmatic theory of democratic transition, consolidation, and maturity. But what is pragmatic about it? It is pragmatic because it does not expect nonliberal people to endorse democracy for either liberal or comprehensive reasons, at least not so at the outset of democratization. Kim is right to point out that "other than the few activist intellectuals versed in democratic theory, most nonliberal people struggling for democracy . . . do not sacrifice their precious time or even risk their lives for the abstract ideal of democracy or its intrinsic values."²¹ He goes so far as to say that "in some sense, nonliberal people, whose cultural and political tradition is completely foreign to democracy, pursue democracy without fully understanding what democracy practically entails both as a value system and, more fundamentally, as a way of life."²² Instead, a pragmatic Confucian democrat advocates democratic transition from an authoritarian regime "primarily on . . . instrumental ground" to "best coordinate social interactions under the circumstances of modern politics marked by pervasive pluralism and resulting moral conflicts."²³ The important term here is "primarily," which leaves open the possibility for people to endorse democracy on non-instrumental grounds. Kim never goes into this possibility probably for fear

²¹ Sungmoon Kim, "Pragmatic Confucian Democracy: Rethinking the Value of Democracy in East Asia," *The Journal of Politics* 79, No. 1 (January, 2017): 240. Kim has in mind political autonomy, equality of interests, and reciprocity as three core values that make democracy intrinsically valuable. For further discussion, see Corey Brettschneider, *Democratic Rights: The Substance of Self-Government* (Princeton, NJ: Princeton University Press, 2007).

²² Sungmoon Kim, "Pragmatic Confucian Democracy: Rethinking the Value of Democracy in East Asia," *The Journal of Politics* 79, No. 1 (January, 2017): 240.

²³ *Ibid.*: 245. Emphasis added.

that it might open the door for comprehensive Confucianism, which is also why references to Confucianism are confined to the later stage of democratization. But as previous analyses have shown, this strategy to bracket Confucianism does not work. If we accept these conclusions, then it seems that pragmatic Confucian democracy is not pragmatic enough, in the sense that it does not take into consideration all the possible reactions to democratic transition. To be truly pragmatic about democracy is to hold a pluralistic attitude toward how people will come to terms with it. Kim's theory points to the right direction but falls short due to its more fundamental purpose to return to Confucianism within the later stage of democratic development. In the next section, I will propose an alternative model of democracy that follows through this pragmatic tendency. Specifically, this alternative model of democracy will have three theoretical components. First, I will draw from Alessandro Ferrara's recent discussion of "hyperpluralism" and what he calls "multivariate democratic polity," and argue that the structure of a healthy and sustainable democracy in East Asia must be *multivariate in structure*, meaning that citizens can relate to constitutional essentials in a diversity of manners from within their comprehensive doctrine, or for partially or even fully prudential reasons. Then, in light of the difficulty discussed in this section, I will argue that democracy in East Asia ought to include *a neutral state*, which means that Confucianism should not be officially endorsed by the state, nor should it hijack the neutral language of public reason to directly influence policy and legislation. Finally, I will qualify the previous point by arguing that having a neutral state does not necessarily mean that Confucianism will be banished to the private sphere. On the contrary, it can have a very *active public role* to play so as to make an indirect yet substantial contribution to the domain of the political.

7.4. Multivariate Democracy in East Asia

7.4.1. Multivariate Structure

One of the key differences between comprehensive and moderate Confucian political theorists is their willingness to acknowledge and accept what John Rawls refers to as “the fact of reasonable pluralism.” According to Rawls, burdens of judgment will lead reasonable citizens to adopt a plurality of reasonable, though irreconcilable, moral, religious, or philosophical doctrines. Reasonable pluralism is not a historical contingency but the necessary consequence of the free practice of reason in modern democracies.²⁴ More and more Confucian political theorists, especially those with a moderate or even liberal agenda, take reasonable pluralism and the increasingly pluralistic condition of East Asia as the starting point for their theories. However, Alessandro Ferrara recently claims that the fact of reasonable pluralism is still somewhat idealized. The reason is that Rawls sees his project as an attempt to reconcile “the tradition associated with Locke, which gives greater weight to what Benjamin Constant called ‘the liberties of the moderns’” and “the tradition associated with Rousseau, which gives greater weight to what Constant called ‘the liberties of the ancients.’”²⁵ However, “in very few places in the world can we encounter a polity where these two conceptions are embraced by a majority of citizens,” which leads to the implication that Rawls’ political liberalism is in fact drawn on for inspiration based on “a highly stylized picture.”²⁶ In the actual world, societies are populated by people who endorse a plurality of comprehensive doctrines, such as Roman Catholicism, Islam,

²⁴ John Rawls, *Political Liberalism*, Expanded Edition (New York: Columbia University Press, 2005), introduction, xvi.

²⁵ Ibid., 5.

²⁶ Alessandro Ferrara, *The Democratic Horizon: Hyperpluralism and the Renewal of Political Liberalism* (Cambridge: Cambridge University Press, 2014), 90.

Orthodox Christianity, Hinduism, and Confucianism. The difficulty is that some of the basic constitutional essentials – the idea of equality among all citizens, gender equality, the idea of the citizen as a self-authenticating source of valid claims, freedom of conscience, the consequent ban on apostasy, etc. – could become highly problematical at least for some of the more traditional citizens.²⁷ This condition is what Ferrara calls “hyperpluralism,” which refers to “the presence on the ground of cultural differences that exceed the range of traditions Rawls sought to reconcile within *Political Liberalism*, and of comprehensive conceptions that are only partially reasonable, display an only partial acceptance of the burdens of judgment or make their adherents endorse only a subset of the constitutional essentials.”²⁸ What is of interest to democracy in East Asia, especially when the difficulty with pragmatic Confucian democracy is taken into consideration, is how hyperpluralism could actually be used to describe the socio-political condition of societies during democratic transitions. Unlike Kim’s somewhat idealized view, the initial reaction to democratic establishment will be much more complicated. It is reasonable to assume that while parts of the population might be able to fully endorse the constitutional essentials, some groups of people under the influence of their comprehensive doctrines will only be able to accept a subset of the constitutional essentials, whereas others might even display utter defiance. For instance, as Chan points out, Confucian classicists are more than likely to regard reasonable pluralism as “a mistake” that ought to be corrected rather than a condition that needs to be accommodated, which can serve as a strong reservation against democratic transition.²⁹ Although

²⁷ Ibid.

²⁸ Ibid., 100. This leads Ferrara to modify Rawls’ famous opening question in *Political Liberalism*: “how is it possible for there to exist over time a just and stable society of free and equal citizens, who remain profoundly divided by religious, philosophical and moral doctrines some of which are reasonable and susceptible of giving rise to an overlapping consensus, and some of which are only partially reasonable, display only an incomplete acceptance of the burdens of judgment and cannot be brought to endorse all of the constitutional essentials?” Ibid., 91.

²⁹ Joseph Chan, “Confucian Attitude Toward Ethical Pluralism,” *Confucian Political Ethics*, ed. Daniel Bell (Princeton, NJ: Princeton University Press, 2008).

the concept of hyperpluralism is supposed to describe conditions in much more mature liberal democracies, this less ideal condition at an early stage of democratic establishment leads to similar tensions.

In response to hyperpluralism, Ferrara draws what he calls a “retroactive lesson” from Rawls’ *Law of Peoples*, in which a multivariate structure found in the international scene may shine some light on domestic society. In the *Law of Peoples*, Rawls makes it clear that peoples included in the Society of Peoples relate to one another on the basis of an idea of justice, albeit limited in scope.³⁰ As for the relations between burdened societies and peoples ruled by benevolent despots, as well as the relations between peoples included within the Society of Peoples and outlaw states, they will be of a *modus vivendi* type.³¹ Ferrara argues that this multivariate structure can be applied to domestic society where hyperpluralism has created different groups of people whose relation is not unlike those found among different kinds of peoples. Specifically, we could

apply what we have learned from *The Law of Peoples* and without difficulty envisage a multivariate polity where a majority, or even a sizable minority, of citizens embrace comprehensive conceptions of the good that do allow for the formation of an overlapping consensus on the basic structure and all of the constitutional essentials (say, citizens subscribing to the Lockean and the Rousseauian traditions reconciled in *Political Liberalism*), and then at the same time these citizens might relate in a *modus vivendi* way with one or more minorities whose comprehensive conceptions overlap to a lesser extent with the fully reasonable ones and allow them to endorse only a subset of the constitutional essentials.³²

³⁰ Alessandro Ferrara, *The Democratic Horizon: Hyperpluralism and the Renewal of Political Liberalism* (Cambridge: Cambridge University Press, 2014), 106. Also see John Rawls, *The Law of Peoples, with “The Idea of Public Reason Revisited”* (Cambridge, MA: Harvard University Press, 1999).

³¹ Alessandro Ferrara, *The Democratic Horizon: Hyperpluralism and the Renewal of Political Liberalism* (Cambridge: Cambridge University Press, 2014), 106.

³² *Ibid.*, 106-107.

This multivariate democratic polity could mitigate the effect of hyperpluralism and perhaps emancipate us from the trap of mutual resentment within which majorities and minorities might end up being caught.³³ One of the implications of this multivariate view is that we now have three kinds of citizens, depending on how people's comprehensive doctrines relate to the constitutional essentials:

- (1) Citizens who embrace all the constitutional essentials in the light of principles rooted in their comprehensive moral conceptions;
- (2) Citizens who embrace some of the constitutional essentials in the light of principles rooted in their comprehensive moral conceptions and other constitutional essentials (for example, free exercise of religion) out of merely prudential reasons.
- (3) Citizens who embrace all of the constitutional essentials out of prudential reasons.³⁴

The existence of these three kinds of citizens is by no means unique in advanced liberal democracies. During democratic transition from authoritarian regimes, people need to be properly motivated to endorse democratic values. For citizens who are already democratic- or liberal-minded, not much more need to be said, because they either realize the instrumental and intrinsic value of democracy on their own, or are capable of conjecturally developing full acceptance of democracy and the constitutional essentials within their comprehensive doctrines.³⁵ For citizens whose comprehensive doctrines dictate that they can only partially or

³³ Ibid., 107-108.

³⁴ Ibid., 107. To be clear, this multivariate view, which leads to a multivariate democratic polity, is not supposed to replace overlapping consensus or constitutional essentials. Instead, it works to “*supplement*, not to replace public reason.” The reason is that in hyper-pluralist contexts, a stock of shared reasons from which to generate hopefully shareable conclusions “may simply be too thin for conclusions of any consequence to be drawn,” which leads public reason to be idle and inoperative. Alessandro Ferrara, “Political Liberalism Revisited: A Paradigm for Liberal-Democracy in the 21st Century,” *Philosophy & Social Criticism* 42, No. 7, Special section on Alessandro Ferrara’s *The Democratic Horizon: Hyperpluralism and the Renewal of Political Liberalism* (Sept., 2016): 690.

³⁵ The latter point requires some clarification. Conjecture constitutes a form of argumentation for Rawls. While public reason aims to arrive at binding conclusions from shared premises, conjectural arguments do not presuppose shared premises. Instead, the ideal form of conjectural arguments is of the kind “because you believe x, you have all reasons to accept y.” In other words, people could conjecturally endorse democracy by finding resources and motivations from within their comprehensive doctrines, which is an approach already taken by many scholars who

not at all overlap with the constitutional essentials, different degrees of prudential reason are required, because the question “why democracy” becomes much harder to answer from within their comprehensive doctrines. Here Kim’s insight to pragmatically use instrumental reasons becomes crucial. For these citizens, the best characterization of democracy is “an overarching and authoritative political institutional framework under which coercive political power is exercised legitimately, in the people’s name.”³⁶ Both *modus vivendi* and prudential types of arguments can work. For someone guided by classical Confucian meritocracy who does not believe in democratic rule, the acceptance of democracy and the constitutional essentials might come from the rational consideration to avoid the evils of conflict, or from the long-term desire to maintain a Confucianism-friendly public environment under the democratic protection of freedom of speech and religious tolerance.

The significance of this multivariate structure is twofold. First, as an important modern social and political institution, democracy must see itself, and be seen by its members, “as in a permanent process of construction, motivated by a concern to make the institution expressive of the good as its members conceive it.”³⁷ Therefore, in order to be truly pragmatic about democratization, citizens’ diverse ways of coming to terms with democracy and constitutional essentials must be recognized throughout the process of democratization, and the three kinds of citizens from above can serve as a good model. Second, instead of limiting Confucianism to the later phase of democratization, which leads to the difficulty discussed in the previous section,

work within the hybrid and compatibility models of the relationship between Confucianism and democracy. See Chapters 3 and 5 of Alessandro Ferrara, *The Democratic Horizon: Hyperpluralism and the Renewal of Political Liberalism* (Cambridge: Cambridge University Press, 2014) for how conjectural arguments can be applied to accommodate reasonable pluralism and multiple democracies.

³⁶ Sungmoon Kim, “Pragmatic Confucian Democracy: Rethinking the Value of Democracy in East Asia,” *The Journal of Politics* 79, No. 1 (January, 2017): 245.

³⁷ Maeve Cooke, “Civil Obedience and Disobedience,” Special Section on Civil Disobedience and Conscientious Objection, *Philosophy & Social Criticism* 42, No. 10 (December, 2016): 998.

Confucianism ought to be treated as one among many comprehensive doctrines capable of producing conjectural arguments for democracy during the entire process of democratization.

7.4.2. A Neutral State

One question at this point has to do with the nature of the state in a multivariate democracy, which leads to the second component of this alternative model of democracy. From a comprehensive Confucian point of view, now that Confucianism is no longer limited to the later stage of argumentation, and since Confucianism *does* have internal resources to support democracy, the multivariate structure might very well work with a perfectionist state that endorses Confucianism as its official doctrine. Is this not a truly Confucian democracy?³⁸ Take Jiang Qing's Confucian constitutionalism for instance, all three types of citizens could be accommodated by either fully endorsing Confucianism for Confucian reasons, or partially endorsing Confucianism for prudential reasons, or fully endorsing Confucianism for prudential reasons. But this is to miss the point of the use of prudential reason. The need for prudential reason in a multivariate polity is not for the purpose of promoting any comprehensive doctrine. Instead, it is for the purpose of ensuring that constitutional essentials can be agreed upon by all citizens so that their free and equal status can be protected accordingly. When a single comprehensive doctrine occupies the constitutional essentials, it is almost never the result of universal agreement among citizens who endorse a plurality of comprehensive doctrines. Citizens who do not subscribe to Confucianism will necessarily be in a disadvantaged social and

³⁸ It is worth drawing a distinction between a full-fledged democracy where Confucianism is one of many comprehensive doctrines, and a Confucian decent society where a large majority of citizens actively subscribe to and endorse Confucianism. I use the term "decent society" in the Rawlsian sense, which in the Confucian context refers to a society where Confucianism serves as the guiding doctrine for policy and legislation. Although a Confucian decent society might be a reasonable idea when Confucianism is the major religious-ethical culture in a society, it is perhaps too unstable to avert the risk of collapsing into more comprehensive or even authoritarian forms of political Confucianism given the highly pluralistic condition of East Asian societies.

political position. Moderate Confucian political theorists might object by arguing that there is no need to be as comprehensive as Jiang Qing's Confucian constitutionalism. In fact, Kim's public reason Confucianism aims to bridge Confucianism with democracy by making "Confucian perfectionist goods the core elements of public reason with which citizens can justify their arguments to one another and by which the state can justifiably exercise its public authority to reasonable citizens who otherwise subscribe to various comprehensive doctrines."³⁹ However, this moderate approach does not eliminate the potentially inegalitarian relations among citizens, because even this moderate approach still assumes the necessity of maintaining a Confucian public character.⁴⁰ Kim goes so far as to say that in no case are "the fair terms of social integration meant to embrace unreasonable pluralism that is likely to erode the society's Confucian public character."⁴¹ This statement presupposes a highly demanding view of citizenship because of its perfectionist commitment to Confucianism. On the one hand, there is a necessity for citizens and immigrants to "Confucianize" their personal values and commitments in order to properly participate in Confucian public reason. On the other hand, citizens must definitively prioritize the maintenance of Confucian public character over the right to contest and even social integration. Non-Confucian citizens and immigrants can certainly propose an alternative model of public reason, but this alternative will not likely become widely accepted, because any alternatives that could erode the Confucian public character of society will not be embraced. Not only does it produce inegalitarian relations among citizens, this view also goes

³⁹ Sungmoon Kim, "Public Reason Confucianism: A Construction," *American Political Science Review* 109, No. 1 (Feb., 2015): 187.

⁴⁰ I argue more thoroughly on this point in Chapter 6.

⁴¹ Sungmoon Kim, "Public Reason Confucianism: A Construction," *American Political Science Review* 109, No. 1 (Feb., 2015): 198.

against the passion for openness that help constitute the spirit of democracy.⁴² Therefore, it should become clear that a multivariate democratic polity requires a neutral state.⁴³

7.4.3. The Public Role of Confucianism

Finally, having a neutral state does not necessarily mean that Confucianism has to be banished to the private sphere. There is a false dichotomy between comprehensive state perfectionism that replaces the public sphere with only Confucianism and purely liberal democracy that confines Confucianism only to the private sphere. It is useful to borrow Abdullahi Ahmed An-Na'im's distinction between state and politics. According to An-Na'im, the state is "a complex web of organs, institutions, and the processes that are supposed to implement the policies adopted through the political process of each society."⁴⁴ In order to fulfill its tasks, the state must necessarily and uniquely possess extensive and effective coercive power, which can be counterproductive or even dangerous "when exercised in an arbitrary manner or for corrupt or illegitimate ends."⁴⁵ This fear of abuse of state power motivates An-Na'im to advocate the neutrality of state. But An-Na'im does not stop here, and he goes on to draw a distinction between state and politics: "the state should be the more settled and deliberate operational side of self-governance, while politics serves as the dynamic process of making choices among

⁴² Besides the passion for openness, Ferrara also includes the passion for the common good, the passion for equality and equal recognition, and the passion for individuality as key spirits of democracy. Alessandro Ferrara, *The Democratic Horizon: Hyperpluralism and the Renewal of Political Liberalism* (Cambridge: Cambridge University Press, 2014), 48.

⁴³ Some Confucian political theorists will find this conclusion much easier to accept. For instance, Stephen Angle borrows the concept of "self-restriction" from Neo-Confucian thinker Mou Zongsan and develops what he calls "progressive Confucian political philosophy" that shows that a limited government, a constitution, laws, and rights are in fact *required* by Confucianism if it is to realize its own goals. Stephen Angle, *Contemporary Confucian Political Philosophy: Toward Progressive Confucianism* (Cambridge: Polity, 2012), 29.

⁴⁴ Abdullahi Ahmed An-Na'im, *Islam and the Secular State: Negotiating the Future of Shari'a* (Cambridge: Harvard University Press, 2008), 5.

⁴⁵ Ibid.

competing policy options.”⁴⁶ This distinction does not assume a static separation between the two; instead, there are constant interactions between “the organs and institutions of the state, on the one hand, and the organized political and social actors and their competing visions of the public good, on the other.”⁴⁷ According to this view, the state becomes a neutral mediator among citizens who wish to exert influence upon public policies and legislation based on their comprehensive doctrines. This distinction, when applied to the case of democratization in East Asia, is important for two reasons. First, it makes political participation, which is fundamental for democratic governance, motivating for citizens, because they have strong reasons to publicly voice concerns based on their diverse comprehensive doctrines, which is an equally promising yet much less controversial approach to help citizens recognize and accept the intrinsic value of democracy than Kim’s mutual accommodation thesis. Moreover, by channeling concerns based on Confucianism from the bottom up, that is, from the people, it also avoids the potentially comprehensive or even authoritarian implications of a Confucian state from the top down where Confucian ideals and institutions are imposed upon citizens regardless of their comprehensive doctrines. Second, it avoids the undesirable outcome of confining Confucianism to only the private sphere. With its historical influence, Confucianism is certainly one of the most intimate comprehensive doctrines for East Asians. Confucianism has a lot to offer to public and political discourse, but it ought to be carried out in the most reasonable and respectful way, which requires the mediating language between the state and competing comprehensive doctrines in the public sphere to also be neutral. An-Na’im calls this neutral language “civic reason,” which includes two elements:

First, the rationale and purpose of public policy and legislation must be based on the sort of reasoning that citizens generally can accept or reject, and it must be

⁴⁶ Ibid.

⁴⁷ Ibid.

possible to make counterproposals through public debate without being open to charges of apostasy (heresy) or blasphemy as crimes punished by the state. Second, such reasons must be publicly and openly debated, rather than being assumed to follow from the personal beliefs and motivations of citizens or officials.⁴⁸

Civic reason resembles Rawls' public reason in obvious ways, and one might argue that the differences An-Na'im highlights represent not so much a disagreement as a difference in scope.⁴⁹

Regardless, the use of neutral language in public debates has three distinct advantages. First, it avoids the idealization the people who control the state are likely to be neutral, because people are more likely to act on their personal beliefs or justifications, which can be detrimental when they also serve as state officials. Second, the requirement to present publicly and openly justifications that are based on reasons which the general public can freely accept or reject will "over time encourage and develop a broader consensus among the population at large, beyond the narrow religious or other beliefs of various individuals and groups."⁵⁰ Finally, safeguarded by principles of constitutionalism, human rights, and citizenship, the use of civic reason will also make the intrinsic value of democracy as a way of life much more likely to be realized among the general public who are no longer under the fear of state imposition and capable of voicing their concerns as free and equal citizens even if their comprehensive doctrines are in the minority.

Take gender equality and filial piety as two cases in point. It is well established that traditional societies in East Asia have been patrimonial and patriarchal under the influence of Confucianism. One of the reasons is that one can find explicit justifications for gender inequality

⁴⁸ Abdullahi Ahmed An-Na'im, "Islamic Politics and the Neutral State: A Friendly Amendment to Rawls?" *Rawls and Religion*, eds. Tom Bailey and Valentina Gentile (New York: Columbia University Press, 2014), 257.

⁴⁹ *Ibid.*, 261-263.

⁵⁰ Abdullahi Ahmed An-Na'im, *Islam and the Secular State: Negotiating the Future of Shari'a* (Cambridge: Harvard University Press, 2008), 8.

in the classical Confucian texts. For example, there is a pervasive distinction between men and women, where the latter are associated with the inner (*nei*) and the former the outer (*wai*).⁵¹ In other words, the role of a woman/wife is within the family, meaning taking care of domestic affairs, such as doing housework, educating children, and caring for the elderly, whereas the role of a man/husband is to handle social affairs, such as making a living and having a career outside the family in order to provide for the family. This distinction is certainly evolving, and contemporary East Asian societies have already witnessed the rise of feminism in a variety of areas. The point is that this distinction is very difficult to endorse with neutral reasons in the public sphere, especially when the free and equal status of citizens is safeguarded by constitutionalism, human rights, and citizenship. When the language of the state is guided by Confucianism, however, there will always be the risk that undesirable features of traditional Confucianism can somehow be justified and applied through the coercive power of the state. Another crucial example is filial piety (*xiao*), which is a central virtue in Confucian role ethics that requires respect for one's parents, elders, and ancestors. In the private sphere, filial piety is still commonly practiced among family members in East Asian societies. The most effective way to ensure the practice of filial piety is certainly through a Confucian state whose coercive power will guarantee that those who fail to do so will be punished. But this measure is both theoretically and practically problematic. In the actual public sphere, it will be challenging to argue that one ought to respect and take good care of one's parents because Confucian doctrines so dictate, especially when there are competing comprehensive doctrines in a pluralistic society that may be silent about the matter. In fact, very few actual practitioners of filial piety are motivated by the classical texts and traditional justification. On the contrary, many do so simply

⁵¹ See Chapter 2 in *Li Chi: Book of Rites* trans., James Legge, eds., C. C. Chai and W. Chai (New York: University Books, 1967).

as a “habit of the heart.”⁵² Thus, the most reasonable way to propose the practice of filial piety is through neutral reasons that all citizens can accept or reject. For instance, the demographic problem is looming large in Asia as a whole. According to data from the World Bank, “Japan began losing population in 2011, after decades of dropping birthrates,” which makes Japan “home to the world’s most aged population” with 33% of its citizens 60 or over in 2015.⁵³ The one-child policy in China similarly exacerbates the problem in a much larger scale. The rise of the aging population and the lack of sufficient measures to take care of the elderly are good reasons to nudge public policy and legislation to address this issue. Without relying on Confucian justification or a Confucian state, these neutral reasons serve as much less controversial motivations for the state to utilize its coercive power for the benefit of the people.⁵⁴ This view of mediation between state and politics avoids many problems associated with a Confucianism-oriented view of public reason that does not recognize the need to keep a balance between competing comprehensive doctrines in public and political discourse.⁵⁵ Regardless of how Confucian scholars reinterpret classic Confucian texts or come up with novel way of juxtaposing democratic ideals and institutions with Confucian values, they are inevitably confronted with the legitimacy problem of the Confucian state in light of the pluralistic condition of East Asian societies.⁵⁶ The state ought to play the role of neutral moderator among competing

⁵² Sungmoon Kim, “Public Reason Confucianism: A Construction,” *American Political Science Review* 109, No. 1 (Feb., 2015): 193.

⁵³ Michael Auslin, “Asia’s Promise Gives Way to Its Growing List of Troubles,” *The Wall Street Journal*, accessed April 21st, 2017 < <https://www.wsj.com/articles/asias-precious-rise-1488559173> >

⁵⁴ In the European Union, for instance, Article 25 of the Charter of Fundamental Rights of the European Union mentions the “rights of the elderly to lead a life of dignity and independence and to participate in social and cultural life” without resorting to controversial comprehensive doctrines. “Charter of Fundamental Rights of the European Union,” http://www.europarl.europa.eu/charter/pdf/text_en.pdf, accessed May 10, 2017.

⁵⁵ For Confucian public reason, see Sungmoon Kim, *Public Reason Confucianism: Democratic-Perfectionism and Constitutionalism in East Asia* (Cambridge: Cambridge University Press, 2016).

⁵⁶ Again, I am not completely ruling out the potentially reasonable approach to form a Confucian decent society where Confucianism is actively endorsed by a large majority of citizens. But whether or not this society can be democratic is an entirely different question that I have no room to address here.

comprehensive doctrines in order to “ensure that institutional actors do not abuse the powers and authority of the state to impose their views on others or promote their narrow self-interest.”⁵⁷ The neutrality and autonomy of the state justifies its validity and coercive power. In return, the democratic protection of freedom of speech and toleration toward competing comprehensive doctrines in the public sphere will ensure that Confucianism does not lose its cultural significance.

7.5. Conclusion

Sungmoon Kim’s pragmatic Confucian democracy aims to provide a mediating position between the Schumpeterian and instrumental model, and the Deweyan and intrinsic model of democracy by taking advantage of instrumental reasons during democratic transition and consolidation, and mutually accommodating relationship between Confucianism and democracy during democratic maturity. However, the pragmatic turn in Confucian democracy becomes problematic when the fact of reasonable pluralism is taken into serious consideration. The strategy to limit Confucianism to the later phase of democratization invites criticisms from both the Confucian side and the democratic side. In response, I have proposed an alternative model of democracy to better accommodate the pluralistic condition in East Asia. Specifically, a multivariate structure carries the pragmatic turn to its suitable extent by clearly recognizing a diversity of reasons to support democracy from different groups of citizens. A neutral state is the logic consequence of the multivariate structure and safeguards the conflict that may arise between competing comprehensive doctrines. Finally, Confucianism is not confined to the private sphere; instead, it can play an active public role as one of the many influences

⁵⁷ Abdullahi Ahmed An-Na’im, *Islam and the Secular State: Negotiating the Future of Shari’a* (Cambridge: Harvard University Press, 2008), 89.

contributing to political discourse. This multivariate democracy, in my view, represents a more promising model for the future of democracy in East Asia.

Chapter 8: Respect, Recognition, and Toleration: A Concentric Theory of Global Justice

8.1. Introduction

In the previous two chapters, I argued that models of democracy supported by comprehensive or moderate perfectionism suffer from distinct problems that are reducible to both the discontents of the moderate approach and the failure to take reasonable pluralism seriously. Instead, I proposed a multivariate model on the basis of the key insights from political liberalism that I believe will be more promising both theoretically and practically. However, democratization will not be accomplished with a few theoretical arguments. For the foreseeable future, the divide between liberal and nonliberal societies will remain a fact of international affairs.

As Will Kymlicka points out, to “assume that any culture is inherently illiberal, and incapable of reform, is ethnocentric and ahistorical.”¹ The aim of liberals therefore “should not be to dissolve nonliberal nations, but rather to seek to liberalize them”² Since no culture is completely illiberal, the task of liberalization, at least for political philosophers and liberal theorists, is to offer strong justification for liberal values. It is worth remembering that all existing liberal states had illiberal pasts, and most of them are still undergoing justificatory problem. However, Rawlsian political liberalism and its advocates are primarily concerned with liberalism in a fairly well-ordered liberal democracy. The justification of liberalism is also considered a domestic issue by Rawls, and the most substantial international stance Rawls took

¹ Will Kymlicka, *States, Nations, and Cultures* (Van Gorcum, 1997), 32.

² Ibid., 33.

is to tolerate and respect decent nonliberal states.³ Jonathan Quong also makes it clear by expressing his doubts “as to whether it makes any sense to claim that liberalism can or must be justified to all points of view,” and he thinks that “it is a mistake to spend much time worrying about whether liberalism can be justified to . . . illiberal people.”⁴ Thomas Nagel expresses similar doubt through his criticism of Rawls’ theory of global justice.⁵ But these doubts ought not to deter us from conceiving a theory of global justice that takes into consideration the fact that an increasingly significant component of international affairs is between liberal and nonliberal states. In this final chapter, I will offer some preliminary remarks on what I will call a concentric theory of global justice that incorporates important insights from theories of respect, recognition, and toleration.

8.2. Elements Toward a Concentric Theory of Global Justice

There are two interrelated issues in contemporary theories of global justice. From a more theoretical perspective, there is the long lasting debate between the statist and globalist regarding the basic unit of justice on an international scale.⁶ From a more practical standpoint, there is the urgent problem regarding the interaction between liberal and non-liberal states.⁷ To

³ John Rawls, *The Law of Peoples, with “The Idea of Public Reason Revisited”* (Cambridge: Harvard University Press, 2001).

⁴ Jonathan Quong, *Liberalism without Perfection* (Oxford: Oxford University Press, 2011), 8.

⁵ Thomas Nagel, “The Problem of Global Justice,” *Philosophy & Public Affairs*, Vol. 33, No. 2 (Spring, 2005): 113-147.

⁶ There is a distinction between a more statist approach to international justice and a more globalist approach to global justice. According to Rainer Forst, “the former view takes political communities organized into states to be the main agents of justice (i.e., who is asked to be just and who receives just treatment), the latter takes persons, regardless of their political membership, as the primary focus of justice (at least as far as the question is concerned with who receives just treatment). On the first view, principles of international justice are to regulate the relations between states in a fair way; on the second view, they are to regulate the relations between all human beings in the world and to ensure their individual well-being.” Rainer Forst, *The Right to Justification*, trans. Jeffery Flynn (New York: Columbia University Press, 2007), 251.

⁷ See John Rawls, *The Law of Peoples, with “The Idea of Public Reason Revisited”* (Cambridge: Harvard University Press, 2001). For a critical evaluation and alternative account of international toleration, see Kok-Chor Tan, *Toleration, Diversity, and Global Justice* (University Park: Penn State University Press, 2000).

some extent these two issues limit each other, for taking a statist position sets up a divide between the “us” and the “them,” whereas taking a globalist position is likely to downplay the distinction between liberal and non-liberal states, which risks ethnocentric implications of imposing liberalism over the rest of the world. There have been attempts to escape the dichotomy between the statist and globalist positions in what many now call the “4th wave” theories of global justice, but they do not prioritize the latter issue.⁸ Contemporary theories of global justice have largely been proposed in a highly liberal setting, which leads to the unfortunate impression that raising the question of global justice necessarily presupposes a liberal point of view. Consequently, some liberal thinkers wish to set aside this issue by devoting their focus to the family quarrels within the liberal tradition, whereas other liberals adopt an attitude of “too bad you are not like us.” Nevertheless, the undeniable fact is that the world is not consisted of only liberal societies, and that any theory that does not take non-liberal societies into full consideration cannot qualify as a proper theory of *global* justice.

In addition to the two theoretical questions, the international world is also highly complex in a practical sense. States came into existence with distinct cultural and historical backgrounds. The interaction among states is further complicated by different levels of economic development and diverse, if not conflicting, social and political systems. In addition, what Rawls calls the fact of reasonable pluralism is no longer confined to the liberal world. Parts of the Middle East and East Asia, places that used to define homogeneity, have witnessed the transformation of both public and private spheres by the co-existence of different comprehensive doctrines. The concept of toleration, as used by Rawls and many others in both domestic and international theories of

⁸ See for instance Laura Valentini, *Justice in a Globalized World: A Normative Framework* (Oxford: Oxford University Press, 2011). Aaron James, *Fairness in Practice: A Social Contract for a Global Economy* (New York: Oxford University Press, 2012). Mathias Risse, *On Global Justice* (Princeton: Princeton University Press, 2012).

justice, is limited by a problematic sense of one-sidedness that oscillates “between wholehearted acceptance and unrestrained opposition.”⁹ When confronted with the issue of justice on a global scale, a single concept such as toleration is no longer able to accommodate the increasingly dynamic and pluralistic international reality. These modern challenges from both the international and domestic fronts thus call for a theory of global justice that is both satisfactorily abstract and simple to be publicly intelligible, and sufficiently flexible and multifaceted so as to deal with issues across a variety of situations.¹⁰

As a response to these theoretical and practical challenges, I will propose a concentric model of justice on a global scale by drawing from T. M. Scanlon’s justificatory view of morality. As discussed in Chapter 2, our moral reality consists of three concentric and increasingly broader domains according to Scanlon. At the center is the domain that Scanlon calls “what we owe to each other,” which contains judgments of right and wrong that cannot be reasonably rejected anywhere.¹¹ For instance, that torturing or murdering an innocent person is wrong is held universally. Beyond this core is “the [second concentric] domain of judgments of right and wrong that depend on reasons for rejection that people have only under certain social

⁹ T. M. Scanlon, *The Difficulty of Tolerance: Essays in Political Philosophy* (Cambridge: University of Cambridge Press, 2003), 187.

¹⁰ The first half of this requirement is adapted from Rawls’ principle of publicity that requires public conceptions of justice to be “clear, simple, and intelligible”. John Rawls, *Justice as Fairness: A Restatement*, ed. Erin Kelly (Cambridge: Harvard University Press, 2001), 54.

¹¹ For further discussion, see Chapter 2. The essence of Scanlon’s moral theory is concisely summarized in his principle: ‘An act is wrong if its performance under the circumstances would be disallowed by any set of principles for the general regulation of behavior that no one could reasonably reject as a basis for informed, unforced general agreement’. Scanlon’s view of justification is negative and dissensus-based. It is negative because it focuses on moral wrongness and rejectability rather than moral rightness and acceptability. It is dissensus-based in that an act is justified not necessarily because people share the same reason but rather because they do not find other people’s reasons rejectable, which presupposes an inclusive foundation to accommodate different points of view, which is especially helpful when pluralism is taken seriously. The dissensus-based aspect of Scanlon’s view can also be seen from his use of the term ‘reasonable’ to highlight only ‘the desire to find principles which others similarly motivated could not reasonably reject’. T. M. Scanlon, *What We Owe to Each Other* (Cambridge: Harvard University Press, 1998), 153. See also “Contractualism and Utilitarianism,” *The Difficulty of Tolerance* (Cambridge: Cambridge University Press, 2003), 138, Footnote 11.

conditions.”¹² Even further is the third concentric domain where judgments “differ in a more significant way, since they are based not on the idea of what we owe to others but on the appeal of particular values that we may share.”¹³ These judgments in the broader sense can support ‘mutually incompatible standards of conduct.’¹⁴ Morality is therefore multi-layered with both a universal core and increasingly contextual and peripheral domains. This understanding of morality with a multi-layered structure serves well as the model for a coherent theory of global justice that is first and foremost global in nature, able to address practical issues contingent upon specific social, cultural, and economic contexts, and make room for competing if not incompatible models of development. Accordingly, the concentric theory of global justice consists of three increasingly broader concentric domains. First, instead of trying to narrow down the specific humanitarian minimum, one ought to go further back and locate the fundamental concept that motivates the search for those minimum requirements. Respect for persons, which is a more often mentioned but less often discussed concept in contemporary political philosophy, represents a powerful core of what global justice should be about. There is much confusion surrounding the concept of respect for persons, and I will spend the next section defending what I think is the most compelling interpretation, that is, respect for persons as free and equal moral agents. Moreover, having this view of respect for persons as the central principle of global justice has two distinct advantages. First, it is sufficiently abstract and simple to be publicly intelligible, which is a key requirement of a truly global theory of justice. Second, although respect for persons is a prominent concept in liberal political philosophy, it can be stripped of its liberal background and work as a free-standing concept, which avoids the much dreaded

¹² T. M. Scanlon, *What We Owe to Each Other* (Cambridge: Harvard University Press, 1998), 348-9.

¹³ *Ibid.*, 349.

¹⁴ *Ibid.*

accusation of liberal ethnocentrism. The second and broader concentric domain deals with increasingly contextual issues of global justice. In particular, the second concentric domain deals with the practical implications of state interactions. I will argue that the autonomous status and capacity for self-realization of each state must be fully recognized. Specifically, I will attempt to extend the concept of recognition to address the issue of inappropriate relationship in trade and international economic development as a case in point. I will argue that the economic downward spiral in some developing countries is caused by the lack of what I will call full recognition, only through the restoration of which healthy interaction and sustainable development can be achieved. Together, the first two domains will bridge the globalist and statist perspectives by treating the two as interactive and complementary rather than conflicting and incompatible, because both perspectives belong to a single theory of global justice. In addition, the concentric structure also makes it clear that the broader statist domain is limited by the narrower globalist domain in that maintaining the respect for persons as free and equal moral agents is prioritized over the pursuit of full recognition as autonomous states capable of self-realization, meaning that a state ought *not* to gain collective social, cultural, and economic respect from other countries *at the cost of* compromising local and/or global respect for persons' free and equal moral status. According to this concentric view, the globalist perspective limits how far the statist perspective can go, and they both contribute to the overall task of securing global justice.

Finally, the third concentric domain, as in Scanlon's original view of moral reality, includes judgments "differ in a more significant way, since they are based not on the idea of what we owe to others but on the appeal of particular values that we may share."¹⁵ These judgments lead to alternative models of social rules, economic development, and political

¹⁵ Ibid.

systems that may or may not lead to a liberal conclusion and might even conflict with existing institutions in the broadly liberal societies. The principle of toleration applies in this domain only under the condition that the respect for persons as free and equal moral agents and full recognition of the autonomous status and capacity for self-realization of states are secured. This precondition necessarily follows from the concentric structure, since the inner domains both define and limit the outer ones. An important implication is that the principle of toleration is no longer one-sided but reciprocal in nature. Given the fact of reasonable pluralism, the horizon of multiple modernities, and unavoidable historical contingencies, non-liberal societies must also tolerate liberal models of development that fulfill the requirements of respect and recognition. Therefore, this concentric view of global justice, which secures respect for persons, fully recognizes the autonomous status and capacity for self-realization of states, and tolerates alternative models of development in both liberal and non-liberal states, is going to make a compelling point that global justice is not a chimaera. Quite the opposite, global justice is the precondition, measure, and safeguard of global progress.

8.3. Respect for Persons: From Local to Global

The modern liberal state is caught in an uncomfortable position. On the one hand, if the existence of the state is to help citizens pursue their interests, it seems natural to assume that “the state should assist citizens by promoting valuable conceptions of the good life, just as it should assist the lives of citizens by promoting the economy, offering education and health services, and protecting their rights and justice.”¹⁶ On the other hand, there is also a deep sense of wrongness in letting the state publicly endorse and coerce everyone to follow a controversial doctrine that

¹⁶ Joseph Chan, “Legitimacy, Unanimity, and Perfectionism,” *Philosophy & Public Affairs* 29, No. 1 (Winter, 2000): 5-42.

some citizens can reasonably reject. Traditionally, political liberals criticize perfectionists, even those who are sympathetic to liberalism, that allowing the state to favor or actively endorse a controversial conception of the good life disrespects or at least owes proper respect to citizens who reasonably reject such a conception.¹⁷ Although the argument from respect is largely Kantian in nature, i.e. to respect a person is to treat her as an end in itself rather than a means to some other end, the specific development and strategic purposes vary according to different authors. What complicates the matter even more is that these authors have for the most part taken the idea of respect for persons as given and not spent sufficient time explaining what respect for persons is and why their opponents need to take it seriously.¹⁸

In Chapter 4, I engaged with the issue of respect for persons through the concept of reasonableness that has become a nexus of debate between political liberals and liberal perfectionists. I arrived at the conclusion that both the ethical and epistemic elements are necessary for the concept of reasonableness. However, the inclusion of epistemic elements will not make political liberalism lose its antiperfectionist appeal. From an ethical point of view, a person is owed respect for her free and equal moral status under the condition of fair social cooperation. From an epistemic point of view, a person is owed respect for her authority to

¹⁷ This defense against liberal perfectionism, which is often connected with their arguments for state neutrality, has been utilized by many prominent political liberals. See John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993); Brian Barry, *Justice As Impartiality* (New York: Oxford University Press, 1995); Charles Larmore, *Patterns of Moral Complexity* (New York: Cambridge University Press, 1987); Martha Nussbaum, *Women and Human Development: The Capabilities Approach* (Cambridge: Cambridge University Press, 2000).

¹⁸ There is no doubt that equal respect is assumed by John Rawls in his *Political Liberalism* given its strong Kantian connotations, but Rawls never gives a specific explanation of what respect means and what role it plays. Since Rawls strives for a freestanding domain of the political, it is reasonable to assume that respect for persons ought to be one of the values reasonable citizens share in the public culture. For Charles Larmore, however, respect for persons plays a fundamental role in that it propels the political turn in the first place. But elsewhere, Larmore defines respecting for persons specifically as respecting their rational agency. For an overview on the obscurity of the idea of respect for persons, see Thaddeus Metz, "Respect for Persons and Perfectionist Politics," *Philosophy & Public Affairs* 30, No. 4 (Autumn, 2001): 417-442. For Larmore's position, see Charles Larmore, "Moral Basis of Political Liberalism," *The Journal of Philosophy* 96, No. 12 (Dec., 1999): 623. Charles Larmore, "Political Liberalism," *The Morals of Modernity* (New York: Cambridge University Press, 1996), 137.

practice her theoretical reason under the condition of epistemic equality. Both aspects have to do with the fact of reasonable pluralism, for which burdens of judgment can serve as justification.

However, one may immediately object by arguing that this view of respect for persons is derived from Rawls' political liberalism, which necessarily takes on a liberal point of view. When global justice is concerned, this liberal-centric concept cannot go far without being accused of ethnocentrism. To address this objection one need to recall that the fact of reasonable pluralism is the main motivation behind Rawls' political turn. Rawls supports the fact of reasonable pluralism as well as the burdens of judgment with a historical argument that has to do with the history of religion and politics dating to the Protestant Reformation, which is admittedly the history of liberalism and liberal institutions. However, the fact of reasonable pluralism is no longer a phenomenon confined to liberal states. Instead, even in areas of the world that are supposed to be ethically homogeneous and hence lack the foundation to be liberal, reasonable pluralism shows definitive signs of existence. For instance, "those East Asian societies that have been influenced by Confucian culture have undergone modernization and become pluralistic societies marked by a diversity of religions, philosophies, and ideologies," and that Confucianism is "only one of the many competing forms of ideological discourse in these societies."¹⁹ One could even go so far as to say that "East Asian societies are becoming increasingly pluralistic, no longer 'the Confucian society' in any monolithic and monistic sense."²⁰ Remember in South Korea, a supposedly highly Confucian country, less than 2% of Koreans self-consciously choose Confucianism as their religious faith, while about 20% choose

¹⁹ Joseph Chan, *Confucian Perfectionism: A Political Philosophy for Modern Times* (Princeton: Princeton University Press, 2014), 200.

²⁰ Sungmoon Kim, "A Pluralist Reconstruction of Confucian Democracy," *Dao* 11 (2012): 322.

Christianity.²¹ From an empirical standpoint, one should not make the mistake of identifying Asian countries solely with Confucian or Buddhist tradition without taking into consideration the burgeoning pluralism that is gradually transforming them.²² From a theoretical standpoint, the rise of value pluralism in traditionally homogeneous places is *not* reducible to the same Western and liberal source, which, according to Rawls' historical argument, goes back to "the Wars of Religion following the Reformation and the subsequent development of the principle of toleration, and in the growth of constitutional government and of large industrial market economies."²³ Instead, an alternative source has become evident following the paradigm shift in the 1980s and 1990s led by the change to see

how non-Western societies negotiated their own *distinctive* version of structural differentiation, urbanization, autonomization of the market, replacement of status with contract and of ascription with achievement, and cultural and institutional reflexivity – patterns now taken as descriptive of a modern life form no longer prejudicially equated with its Western version. Underlying the paradigm of *multiple modernities* is the innovative idea that becoming modern and becoming Westernized are two different things that need not coincide.²⁴

According to Jóhann P. Árnason and other theorists of multiple modernities, modernization in non-Western world has been contingent upon the "reflexivity" of social organization, which refers to an increase in reflexivity consisting in an "opening up of potentially universal perspectives, in contrast to the particularism of more archaic modes of thought."²⁵ Such

²¹ See Byung-ik Koh, "Confucianism in Contemporary Korea," *Confucian Traditions in East Asian Modernity*, ed. Wei-ming Tu (Cambridge: Harvard University Press, 1996).

²² Undeniably, there are people who wish to revive these traditions. See those people. But others are questioning the feasibility of such a move. For an example of this revivalist approach, see Qing Jiang, *A Confucian Constitutional Order: How China's Ancient Past Can Shape Its Political Future*, trans. Edmund Ryden, ed. Daniel A. Bell and Ruiping Fan (Princeton: Princeton University Press, 2013).

²³ John Rawls, "The Idea of an Overlapping Consensus," *Collected Papers* (Cambridge: Harvard University Press, 1999), 424.

²⁴ Alessandro Ferrara, *The Democratic Horizon: Hyperpluralism and the Renewal of Political Liberalism* (Cambridge: Cambridge University Press, 2014), 111.

²⁵ Jóhann P. Árnason, "The Axial Agenda and Its Interpretations," *Axial Civilizations and World History*, eds. Johan P. Árnason, Shmuel N. Eisenstadt and Björn Wittrock (Leiden: Brill, 2005), 19-48.

increased reflexivity, together with the “quantum leap” on agentiality and historicity, “generates a new dimension of agency, a perception of historicity as well as a sense of human responsibility for actions and institutions” that all contribute to the collapse of the homogeneity, which in turn adds to the further strengthening of social and cultural reflexivity.²⁶ Thus, if we value pluralism, “then we must honor pluralistic intuitions all across the board, consistently,” which applies to the phenomenon of pluralism itself.²⁷ Although Nussbaum and others derive the principle of respect for persons from Rawlsian political liberalism, the increasingly pluralistic world eliminates the necessity to rely on the liberal history to arrive at the principle. Thus, the principle of respect for persons need not follow solely from liberalism. It can also follow from the urgent need to accommodate reasonable pluralism around the world.²⁸ With a globalist nature and the capacity to avoid liberal ethnocentrism, respect for persons as free and equal moral agents who are capable of practicing their theoretical reason can and should be extended internationally and serve as the foundation of global justice.²⁹ As Blain Neufeld points out, respect for persons need not stay local to liberal societies where there are histories of liberalism and readily democratic institutions. Instead, it should be the fundamental political principle of any pluralistic society.³⁰ The fact of reasonable pluralism can support a viable concept of respect for persons in support of a theory of global justice without necessarily involving a strong liberal foundation.

²⁶ Alessandro Ferrara, *The Democratic Horizon: Hyperpluralism and the Renewal of Political Liberalism* (Cambridge: Cambridge University Press: 2014), 112.

²⁷ Alessandro Ferrara, ‘Democracies in the Plural: A Typology of Democratic Cultures’, *Philosophy & Social Criticism* 41, No. 4 & 5 (2015): 393.

²⁸ Even if liberalism were to be promoted globally, it should, as Pietro Maffettone suggests, “feature as *conclusions* rather than *assumptions*.” See Pietro Maffettone, “Toleration, Decency and Self-Determination in *The Law of Peoples*,” *Philosophy & Social Criticism* 41, No. 6 (2015): 539.

²⁹ However, all these do not suggest what Thomas Nagel has in mind, where every person belongs to a single world state. For Nagel, justice no longer makes sense outside the state, and that global justice cannot be realized until there is a world state. Global justice based on the principle of respect for persons does not go so far as to imply a world state. See Thomas Nagel, “The Problem of Global Justice,” *Philosophy & Public Affairs* 33, No. 2 (Spring, 2005): 113-147.

³⁰ Blain Neufeld, “Civic Respect, Political Liberalism, and Non-Liberal Societies,” *Politics, Philosophy & Economics* 4, No. 3 (2005): 287-291.

Nonetheless, the fact of reasonable pluralism also means that a plurality of reasonable comprehensive doctrines is going to coexist and that states need to interact with one another under the condition of reasonable pluralism. In the next section, I will argue that a globalist concept of respect for persons does not lead to the necessity of a world state. Instead, just state interactions require full recognition for each state's autonomous status and capacity for self-realization. The concentric relationship between respect and recognition means that the former necessarily defines and limits the latter, which paves the road for an interactive and complementary relationship between the globalist and statist perspectives.

8.4. Recognition: Autonomous Status and Self-Realization

The international global culture is not a world state, and according to Nussbaum, "it should not aspire to become one" either.³¹ The practical task for global justice, at least for now, should still deal with individual states and their interactions with one another. However, the problem is that even if each state secures the free and equal moral status of their citizens, there is no guarantee that they are going to treat each other in a fair way. The history and present condition of humanity does not help either. The end of the colonial and imperial wars in the past five hundred years is by no means the end of colonialism and imperialism. As a matter of fact, the more and more obvious economic, political, and cultural divide between underdeveloped countries and developed countries suggest that we are still living in the shadow of colonialism and imperialism; in fact, "most of the less-developed nations today were colonies of one or, sometimes, more than one powerful capitalist country during their history."³² Evidence suggests

³¹ Martha Nussbaum, "Political Liberalism and Global Justice," *Journal of Global Ethics* 11, No. 1 (2015): 78.

³² James M. Cypher and James L. Dietz (ed.), *The Process of Economic Development*, 3rd ed. (New York: Routledge, 2009), 76.

that many countries today (parts of Asia, Latin America, and Africa, to name a few areas) suffer from a paradoxical type of economic underdevelopment in the sense that the more they develop the less they advance.³³ Furthermore, it is long believed that progressive development is the result of appropriate policies and institutions. Therefore, it seems natural to assume that now-developed countries (hereafter NDCs) owe their achievements in large part to correct economic policies and institutions, and that they should, in helping underdeveloped countries, share with them such development strategies. Nevertheless, questions have been constantly raised in terms of the compatibility of these recommended and so-called “good” strategies with underdeveloped countries. Ha-Joon Chang, one of the leading economic theorists in development theory, avoids the ahistorical method of mainstream neo-classical economics and adopts a historical approach that is free of the suspicion of double standards by studying the policies and institutions applied by NDCs when they were themselves underdeveloped countries. Chang poses a crucial question: “How did the rich countries *really* become rich?”³⁴

The story Chang tells is quite disturbing. According to Chang, before 1600, almost all of NDCs were underdeveloped. In order to give impetus to their economic developments in this early stage, virtually all NDCs applied what Chang refers to as “a deliberate infant industrial promotion policy,” through which infant industries were built and protected domestically. In terms of institutions, virtually none of the “good” institutions suggested by NDCs today were

³³ In fact, the study done by Weisbrot et al. in the 116 (developed and developing) countries for which they had data, GDP per capita grew at the rate of 3.1 per cent p.a. between 1960 and 1980, while it grew at the rate of only 1.4 per cent p.a. between 1980 and 2000. In only 15 of the 116 countries in the sample - 13 of the 88 developing countries - did the growth rate rise by more than 0.1 percentage points p.a. between these two periods. More specifically, according to Weisbrot et al., GDP per capita grew at 2.8 per cent p.a. in Latin American countries during the period 1960-1980, whereas it was stagnant between 1980 and 1998, growing at 0.3 per cent p.a. GDP per capita fell in Sub-Saharan Africa by 15 per cent (or grew at the rate of -0.8 per cent p.a.) between 1980 and 1998, whereas it had risen by 36 per cent between the period 1960-1980 (or at the rate of 1.6 per cent p.a.). See Ha-Joon Chang, *Kicking Away the Ladder: Development Strategy in Historical Perspective* (London: Anthem Press, 2003), 128-129.

³⁴ Ha-Joon Chang, *Kicking Away the Ladder: Development Strategy in Historical Perspective* (London: Anthem Press, 2003), 2.

present at this point.³⁵ Later when NDCs entered the “catch-up period,” “virtually all NDCs actively used interventionist industrial, trade and technology (ITT) policies that are aimed at promoting infant industries.”³⁶ For example, the import of related products were discouraged by government’s protectionist policies such as import tariff, and the growth of domestic infant industries were encouraged by government or state interventions such as “financial support for research and development, education, and training.”³⁷ As Chang goes on to analyze a range of major NDCs, namely Britain, the USA, Germany, France, Sweden, Belgium, the Netherlands, Switzerland, Japan, Korea, and Taiwan, he manages to show that “the policies that were used are almost the opposite of what the present orthodoxy says they employed.”³⁸ For instance, “subsidies and duty drawbacks on inputs for exported goods were frequently used to promote exports. Government both provided industrial subsidies and used various public investment programmes, especially in infrastructure but also in manufacturing.”³⁹ Thus, in Chang’s opinion, the picture of free trade and *laissez-faire* that NDCs draw is “powerful but fundamentally misleading.”⁴⁰ It was only until NDCs established their industrial hegemonies in the mid-nineteenth century did they adopt free trade.⁴¹ The same applies for bureaucracy and judiciary, property rights, corporate governance, private and public financial institutions, and welfare and labor institutions. All of these institutions are of fairly modern context in NDCs, which suggest that they are in large part the outcome rather than the cause of economic development.⁴²

These neo-liberal “good” policies and institutions, as Chang continues to argue, are to a

³⁵ Ibid., 20.

³⁶ Ibid., 18.

³⁷ Ibid.

³⁸ Ibid., 19.

³⁹ Ibid.

⁴⁰ Ibid., 15.

⁴¹ Ibid., 60.

⁴² Ibid., 11.

great extent counterproductive to underdeveloped economies, because they are not at the same level of economic development as contemporary NDCs. To make things worse, Chang points out that international organization that are supposed to offer aid toward underdeveloped countries have unfortunately become the obstacle for their long-term and sustainable economic development. The IMF and the World Bank, for instance, “play their part by attaching to their loans the condition that the recipient countries adopt neo-liberal policies. The WTO contributes by making trading rules that favor free trade in areas where the rich countries are stronger but not where they are weak.”⁴³ Thus, underdeveloped countries are trapped in a paradox. On the one hand, wishing to economically develop, they have to borrow money from NDCs through international organizations. However, the condition is that they have to adopt neo-liberal policies and institutions that would probably sacrifice their long-term development. On the other hand, if they do not borrow money, economic development is full of obstacles because most of them are too poor to afford industrialization. Chang hence concludes that NDCs are, consciously or unconsciously, “kicking away the ladder” with which they reached their own economic maturities. The consequence is a unique developmental crisis—the more underdeveloped countries develop by imitating NDCs, the less they actually advance.

This economic conundrum represents only one of many inappropriate and even unjust interactions among states. At the center of this problem is a deep sense of misrecognition, coupled with diverse rational and self-interested motivations, between states that are better developed and well-ordered, and states that lack the same level of sophistication and prosperity. Two theories of recognition from the earlier and later Hegel can both offer both a philosophical diagnosis and a suggestion for solution. Hegel is famously known for his theory of the master-

⁴³ Ha-Joon Chang, *Bad Samaritans: The Myth of Free Trade and the Secret History of Capitalism* (New York: Bloomsbury Press, 2010), 13.

slave dialectic, which provides us with an excellent diagnostic theory. After the “life-and-death struggle” during the imperial and colonial wars, a dichotomy between the triumphant master and the defeated slave were created in the form of colonization, which came after the realization that a “spiritual death” symbolized by surrendering of one’s sovereignty and identity was much better than a state of total annihilation. However, this new moment, according to Hegel, is not stable, because the recognition between the master and the slave is one-sided. The master is recognized by someone whom the master does not recognize, because the slave is mere “thingness,” which is against the principle of reciprocity. The dialectic is then supposed to move on to its third moment of transformation where the one-sided recognition puts the master in an existential impasse that restricts the master’s ability to transcend himself or herself, which consequently makes the consciousness of the master unessential in the dialectical whole.⁴⁴ From the perspective of the slave, however, the master represents the essential reality because the master is autonomous and free. Moreover, serving the master requires the slave to repress his or her own desires in order to fulfill those of the master. Eventually, the fear of the master internalizes in the slave and gives the slave a self-negativity motivating him or her to overcome it by shaping himself or herself through producing tangible products in nature. Therefore, with the combination of fear, service, and work, the slave dialectically overcomes his or her slavery and becomes the essential consciousness by achieving the recognition of true selfhood as the master of nature.⁴⁵ As such, Hegel comes to his usual dialectical conclusion: the master is not actually the master but the slave of his or her mastery, and the slave is not actually the slave but the

⁴⁴ Georg Wilhelm Friedrich Hegel, *Phenomenology of Spirit*, trans. A. V. Miller (Oxford: Oxford University Press, 1977), 116-117.

⁴⁵ *Ibid.*, 118.

master of his or her slavery.⁴⁶ However, the international dialectic has not yet moved onto the third moment, where the transformation is made and the slave is fully recognized as autonomous and capable of self-realization. Part of the reason, as pointed out by Chang, is the prolonged moment during which the slave imitates the master, which is partly voluntary and partly imposed.

In order to restore full recognition, we can turn to the earlier Hegel for inspiration. The earlier Hegel has a different view of recognition, which is developed by Axel Honneth into a theory of “struggle for recognition” in intersubjective morality. Despite the general interest to evaluate and expand on Honneth’s interpretation of Hegel’s theory of recognition, there is much less interest in expanding his theory to the global context.⁴⁷ One of the approaches that tries to globalize Honneth suggests a promising direction to restore full recognition among states. Borrowing Amartya Sen’s term of “absolute core of poverty,” Gottfried Schweiger argues that one way to globalize Honneth’s theory of recognition is to emphasize what Schweiger calls the “absolute core of recognition,” which transcends any given society.⁴⁸ Specifically, the absolute core of recognition is “undistorted self-realization as the universal elements of a good life,” because the possibility of “undistorted and authentic self-realization is the key element of a good life, both at the individual and the social level.”⁴⁹ In Honneth’s original theory of recognition,

⁴⁶ This account of the master-slave dialectic is very much simplified for the sake of brevity and clarity. For important and full-length discussions, see in particular: Alexandre Kojève, *Introduction to the Reading of Hegel: Lectures on the Phenomenology of Spirit*, ed. Allan Bloom, trans. James H. Nichols, Jr. (New York: Cornell University Press, 1980). Terry Pinkard, *Hegel’s Phenomenology: The Sociality of Reason* (Cambridge: Cambridge University Press, 1996).

⁴⁷ However, Honneth *does* leave room for globalizing recognition by suggesting that the “desire to have one’s own collective identity be recognized by other peoples can be used to legitimize both an aggressive policy of conquest and a de-escalating policy of reconciliation [, which] raises questions that are no longer merely descriptive, but touch on the normative dimension of a theory of international relations.” In other words, recognition indeed plays a role in international relations. See Axel Honneth, *The I in We: Studies in the Theory of Recognition* (Polity, 2012), 146.

⁴⁸ Gottfried Schweiger, “Globalizing Recognition: Global Justice and the Dialectic of Recognition,” *Public Reason* 4, No. 1-2 (2012): 79.

⁴⁹ *Ibid.*, 87

social justice is closely connected with three forms of recognition, which serve as both the precondition and measure of the former, since “unless one presupposes a certain degree of self-confidence, legally guaranteed autonomy, and sureness as to the value of one’s own abilities, it is impossible to imagine successful self-realization.”⁵⁰ Therefore, Honneth is correct to go one step further and argues that “love, rights, and solidarity provide the intersubjective protection that safeguards the conditions for external and internal freedom, upon which the process of articulating and realizing individual life-goals without coercion depends.”⁵¹ If this strategy to transcend the national boundary of the concept of the struggle for recognition through the absolute core of self-realization is correct, then a global theory of recognition for the purpose of addressing global justice is not groundless. If the recognition approach can be globalized and if the previous diagnosis of misrecognition as the cause of the developmental crisis is reasonable, then the developmental crisis is no longer a purely economic issue merely about what policies and institutions are needed to overcome underdevelopment, it is more importantly a global injustice in that the underdeveloped countries are deprived of their capacity for self-realization by NDCs, which causes conflicts that makes stable global interaction impossible. Drawing from both the master-slave dialectic and the struggle for global recognition, to achieve *full recognition* among states is to both acknowledge and receive the recognition of being autonomous *and* being capable of undistorted self-realization, which means that the specific social, economic, and even historical conditions of different states must be fully recognized before recommending or even imposing policies and institutions that may potentially do more harm than good.

With the first two concentric domains laid out, it becomes clear that the globalist and

⁵⁰ Axel Honneth, *The Struggle for Recognition: The Moral Grammar of Social Conflicts*, trans. Joel Anderson (Polity Press, 1995), 174.

⁵¹ Ibid.

statist divide ought not to cause so much discontents in theories of global justice, because they are complementary aspects of a single and coherent view of global justice. According to Scanlon's concentric view of morality, the central core and the next concentric domain of judgments of right and wrong do not differ in significant ways. In fact, they differ "only in the ways in which their grounds depend on social conditions."⁵² Respect and recognition share a similar relationship. From a theoretical perspective, every moral agent deserves respect for their free and equal status, which applies globally. From a practical perspective, a statist standpoint better grounds persons' free and equal moral status in their specific social, cultural, and economic situations. There is no conflict between the two because they are not viewed as competing but concentric domains through which the same theory of global justice becomes more coherent. In addition, the statist domain is limited by the globalist domain in that the respect for persons as free and equal moral agents is prioritized over the pursuit of full recognition as autonomous states capable of self-realization, meaning that full recognition ought *not* to be achieved *at the cost of* compromising local and/or global respect for persons' free and equal moral status. According to this concentric view, the globalist perspective limits how far the statist perspective can go, and they both contribute to the overall task of maintaining global justice.

8.5. Toleration: Alternative Models of Development

There is a third domain in Scanlon's original formulation in which judgments differ in a more significant way, "since they are based not on the idea of what we owe to others but on the appeal of particular values that we may share."⁵³ This concentric domain is further away from

⁵² T. M. Scanlon, *What We Owe to Each Other* (Cambridge: Harvard University Press, 1998), 348.

⁵³ Ibid.

the core and includes values that “may support mutually incompatible standards of conduct.”⁵⁴

The difference between the third and the first two concentric domains becomes clearer when we draw a distinction between morality and ethics on the basis of which judgments are justified. To ask for an answer to the question of “what ought I to do” is also to demand a justification for the answer. According to Forst, there are two types of answers. One type of answer regards the question as one about “the values, ideals, and ‘final ends’ that constitute a good life and how this is then to be realized” *for us*; the other type of answer requires “considering the legitimate claims of *all* morally affected persons.”⁵⁵ The former is the ethical answer, and the latter the moral answer. Accordingly, we have two types of justification. Ethical justification is three-dimensional: it deals with the individual ethical person, those who share particular ethical views, and the ethical community. Regardless of which dimension one is in, ethical views can be justified on rational grounds, that is, on the basis of whether the judgments are in conformity with particular ethical principles. People from different ethical traditions may find themselves sharing no common ground whatsoever. Moral justification needs to cover far more ground, since categorically binding moral judgments must “in a strict sense be normatively justifiable equally in relation to every affected person,” which represent the two features of morality as reasonably justified and publicly endorsed.⁵⁶ Some judgments can be rationally justified but cannot be reasonably expected to be endorsed by all moral agents. For instance, the doctrine that there is no salvation outside church can be rationally justified by appealing to Christian ideals and firmly endorsed by Christians who subscribe to a religious foundation of morality. However, for people who do not share similar conceptions of sin and salvation, such a doctrine cannot pass

⁵⁴ Ibid., 349.

⁵⁵ Rainer Forst, *The Right to Justification: Elements of a Constructivist Theory of Justice*, trans. Jeffery Flynn (New York: Columbia University Press, 2011), 15.

⁵⁶ Ibid., 17.

the test of reasonable justification. But this does not mean that this doctrine is meaningless; quite the contrary, it is rationally meaningful for people within the Christian *ethical* community, it is just not a *moral* doctrine that can be reasonably justified to every moral agent.

Thus, when moving beyond the first two concentric domains, we are confronted with conflicting and even incommensurable values and commitments that may not be reasonably justified to all. The traditional and liberal attitude toward these values and commitments is toleration. However, it is easy to confuse toleration with what it is not. The key problem with toleration is that it “hovers in an uncertain zone between, though often overlapping with, respect and recognition, on the one side, and persecution and oppression, on the other.”⁵⁷ As Scanlon puts it, toleration represents the intermediate attitude “between wholehearted acceptance and unrestrained opposition.”⁵⁸ Neufeld also suggests that the principle of toleration should not serve as the foundation of political liberalism.⁵⁹ In the case of economics and trade, as we have seen from the previous section, to tolerate alternative ways of development risks implying that there is only one right way to do so. The question then becomes: should toleration serve any role in global justice, and if so, what exactly should be tolerated?

According to the later Rawls, “philosophy must apply the principle of toleration to itself.”⁶⁰ This move toward political liberalism is contingent upon the history of religion and politics dating to the Protestant Reformation, which is primarily the history of liberalism and liberal institutions. Because of this liberal focus, many under the influence of political liberalism

⁵⁷ Ira Katznelson, “Toleration as A Layered Institution,” *Boundaries of Toleration*, ed. Alfred Stepan and Charles Taylor (New York: Columbia University Press, 2014), 38. See also Anna Elisabetta Galeotti, *Toleration as Recognition* (Cambridge: Cambridge University Press, 2004).

⁵⁸ T. M. Scanlon, *The Difficulty of Tolerance: Essays in Political Philosophy* (Cambridge: University of Cambridge Press, 2003), 187.

⁵⁹ Blain Neufeld, “Civic Respect, Political Liberalism, and Non-Liberal Societies,” *Politics, Philosophy & Economics* 4, No. 3 (2005): 276.

⁶⁰ John Rawls, *Political Liberalism*, Expanded Edition (New York: Columbia University Press, 2005), 10.

are divided between the tendency of wholesale liberalization of the rest of the world and the reservation to limit the discussion to liberal states and peoples only. Nonetheless, in *Law of Peoples* Rawls confronts the difficulty of dealing with non-liberal states by dividing the world into three categories of peoples. First, there are liberal peoples. Then, there are non-liberal peoples who are decent enough to honor basic human rights and civil liberties, which warrants the name decent hierarchical peoples. Finally, there are non-liberal peoples who do not live up to the basic respect for persons, such as the so-called “outlaw states,” “societies burdened by unfavorable conditions,” and “benevolent absolutisms.” As for decent hierarchical peoples, Rawls’ argument is very clear: they need to be tolerated by liberal peoples and treated with equal respect as other liberal peoples. In addition, an acceptable Law of Peoples must be one that decent hierarchical peoples could endorse. As for the rest of non-liberal peoples, Rawls is less clear, and his overall suggestion is that liberal peoples have a duty of assistance toward them.⁶¹ Modifying Rawls’ theory, Neufeld suggests that we should think of decent hierarchical peoples with respect to basic liberal democratic rights in the same way: “all non-liberal pluralist societies lacking political traditions and cultures capable of sustaining institutions and practices that respect basic liberal democratic rights should be considered burdened societies.”⁶² Thus, even decent hierarchical peoples do not warrant any special treatment, and that the duty of assistance applies to both decent hierarchical peoples and other burdened peoples. Neufeld’s proposal, judging from our previous discussion, represents a step back to an ethnocentric point of view that insists on the universality or even truth of liberalism, which is in itself a highly controversial position.

⁶¹ John Rawls, *The Law of Peoples, with “The Idea of Public Reason Revisited”* (Cambridge: Harvard University Press, 2001), 108-110.

⁶² Blain Neufeld, “Civic Respect, Political Liberalism, and Non-Liberal Societies,” *Politics, Philosophy & Economics* 4, No. 3 (2005): 292.

The structural significance of a concentric view of global justice becomes especially helpful when it comes to the object and extent of toleration. It will be remembered that the key structural feature of the concentric view of global justice is that each more central concentric domain limits the more peripheral ones. Thus, liberal peoples need to tolerate non-liberal states that are able to secure respect for persons as free and equal moral agents and recognize the autonomous status and capacity for self-realization in other states. Let us call these non-liberal states that satisfy the respect and recognition requirements “reasonable non-liberal states.” Specifically, liberal states should tolerate alternative social, economic, and political models of development in reasonable non-liberal states. When it comes to the duty of assistance, the same limitation applies. The poorly aimed and executed economic assistance analyzed by Chang in the previous section ought to be avoided and replaced by truly effective advice that takes a “bottom-up” approach to begin with specific social, economic, and political conditions of these states and only to arrive at viable and sustainable policies and institutions. This bottom-up approach is to be contrasted with a “top-down” approach that is currently used by many liberal states to begin with specific values and practices and impose them upon other and less liberal states. For example, it is often assumed that democratic citizenship is a necessary step toward guaranteeing basic rights and liberties in a given society. Yet it is one thing to impose democratic norms and institutions, and quite another for democracy to grow organically according to the specific social and cultural factors. For instance, Alessandro Ferrara argues that political liberalism has great potential to be extended to non-liberal parts of the world.⁶³ What Ferrara correctly identifies is the paradoxical condition that many non-liberal states face today. On the one hand, the fact of reasonable pluralism makes going back to the previously homogeneous social and political system almost

⁶³ See Alessandro Ferrara, *The Democratic Horizon: Hyperpluralism and the Renewal of Political Liberalism* (Cambridge: Cambridge University Press, 2014), especially Chapters 4 and 5 on multiple democracies.

impossible and definitely undesirable from the people's perspective. On the other hand, imposing liberal values and institutions to these states from the top down is itself a failure to fully acknowledge reasonable pluralism, because liberalism also has its fair share of controversy. Departing from Rawls, Ferrara argues with a powerful sense of scale from the Islamic world all the way to Confucian societies for precisely a bottom-up approach to find internal reasons for endorsing liberal constitutional essentials. This approach, in my view, represents the appropriate direction for future discussions of liberalism and global justice.

Perhaps an even more significant advantage of the concentric view of global justice when it comes to toleration is that like respect, it is not narrowly confined within liberalism. Although it is true that the three key concepts of respect, recognition, and toleration are more frequently discussed among liberal theorists, they are by no means constrained by liberal backgrounds. As demonstrated earlier, respect for persons as free and equal moral agents can be derived from the fact of reasonable pluralism, which exists in many non-liberal states that do not share a substantial liberal history. Moreover, full recognition is by definition reciprocal, meaning that both liberal and non-liberal states are obligated to fully recognize each other's autonomous status and capacity for self-realization. When it comes to toleration, the problematic implication of a one-sided distinction between the tolerating and the tolerated must be abandoned. Toleration, therefore, works both ways. Reasonable non-liberal states should also tolerate liberal states that satisfy the respect and recognition requirements, and they should not impose, let alone endanger liberal states with what they believe to be the most appropriate policies and institutions. This two-sided attitude represents a more appropriate understanding of toleration regarding alternative models of development in this highly pluralistic world.

8.6. Conclusion

This chapter began with two interrelated questions in contemporary theories of global justice. First, there is the enduring question regarding the basic unit of justice on an international scale. Second, there is also the emerging question regarding the interaction between liberal and non-liberal states. A viable theory of global justice must be able to address these two issues in a clear, simple, and intelligible manner. The concentric view of global justice is capable of answering these questions in a way that is both satisfactorily abstract and simple to be publicly intelligible, and sufficiently flexible and multifaceted to be able to deal with issues across a variety of situations. As for the former question, the dichotomy between the globalist and statist becomes an unnecessary one, because they now represent two layers of perspectives in the same model; in other words, a concentric view of global justice requires globalist and statist perspectives to work together. When it comes to the central business of global justice, a globalist view of respect that transcends national boundaries ought to be adopted. To respect a person in this sense is to respect his or her moral status as free and equal, which is derivable not only from a strictly liberal background but also from the fact of reasonable pluralism alone. When it comes to the more contextual task of global justice, states necessarily become the main agents. Here the concept of recognition and toleration are adopted to better address injustice caused by inappropriate state interactions. But both domains are limited by the condition that the free and equal moral status of all moral agents must be respected first. The globalist perspective serves as the theoretical core on which statist perspectives serve as practical guides of conduct.

Furthermore, the concentric view of global justice is designed with the second question in mind. From the center to the peripheral, the concentric model fully acknowledges the fact of reasonable pluralism and the fact that not every state is liberal-oriented. A more refined notion of

toleration, which is limited by respect and recognition, serves as the guiding principle for the interaction between liberal and non-liberal states. Finally, the concentric view also takes advantage of the multi-layered structure to organize the three related concepts in a sufficiently abstract yet intelligible way, which is crucial when justice is extended to the global arena. Of course this chapter only represents a preliminary outline of what a concentric theory of global justice looks like, and more fine-tuning is needed. For instance, when it comes to recognition, economics and trade represent only one of many important fields in which states interact with one another. Cultural interactions, for instance, represent another problem that requires full recognition. This concentric model thus marks a starting point for a viable theory of global justice that is the precondition, measure, and safeguard of global progress.

Conclusion

The aim of this dissertation is twofold: to defend political liberalism and to apply some of its central ideas in an East Asian context. In the first part of the project, I defended political liberalism against three objections. Against the suspicion that political liberalism relies on a vague distinction between the political and the moral, I argued that a public conception of morality, which includes values and commitments that are reasonably justified, publicly endorsed, devoid of traditionally ontological character of morality, and do not turn the justificatory structure itself into a foundationalist one, is able to explain Rawls' seemingly contradictory remark that the political conception of justice is nonetheless moral. Against the asymmetry objection that casts doubt on the difference between political liberalism's treatment of the right and the good, I argued that Jonathan Quong's distinction between justificatory and foundationalist disagreements can be strengthened and defended by incorporating the public conception of morality. In addition, I also pointed out some of the obvious problems with moderate perfectionism. Finally, against the objection that the inclusion of epistemic elements in the concept of reasonableness necessarily opens the door for perfectionism and makes political liberalism internally incoherent, I argued that a revised understanding of the epistemic that detaches itself from the practice of rationality will not only respond to this objection but also make a stronger case when it comes to respect for persons.

In the second part of the project, I shifted to a more practical and specific concern over the issue of democracy in East Asia. Unlike the Christian West, the Confucian East Asia is relatively new to liberalism and democracy. Moreover, because of the enduring influence of Confucianism in the region, many have argued that liberal democracy cannot exist in East Asia without at least some extent of compromise, which means that at least some degree of

perfectionism is needed to maintain the region's Confucian characteristics. While some have argued for an aggressive and comprehensive approach to bring classic Confucianism back to the modern era as a state philosophy/religion, many have opted for a much more moderate approach to either utilize some Confucian elements for consequentialist reasons, or endorse Confucianism in a way that does not compromise democratic ideals and institutions. Although I do not think that the comprehensive approach will work, I do not intend to rule out these moderate attempts. However, I argued that the moderate approach pushes itself into a dilemma. On the one hand, this type of approach can be too moderate to be Confucian, meaning that the abstraction of Confucian values and goods from the Confucian context for the purpose of not appearing comprehensive has a substantial cost when Confucianism is still explicitly regarded as the political inspiration. On the other hand, merging Confucianism directly with liberal and democratic ideals and institutions necessarily introduces a tension where the liberal democratic component questions the exclusivity of the Confucian component, especially when East Asia is becoming more and more pluralistic. Beyond these approaches, I argued that political liberalism can be applied to the East Asian context when Confucianism is regarded as one among many reasonable comprehensive doctrines. Specifically, democracy in East Asia should have a multivariate structure to accommodate citizens' diverse reasons to endorse democratic ideals and institutions, a neutral state to maintain stability of democracy, and an active public role for Confucianism so that it will not be pushed to the edge of the private sphere.

The two parts work in conjunction to present a political liberal future for democracy in East Asia. By way of conclusion, I would like to make some remarks that also serve as starting points for further research and engagement.

As for my defense and the development of political liberalism, it is limited by its focused engagement with only comprehensive and moderate perfectionism. As Jonathan Quong's matrix demonstrates, there are two other branches in the liberal family. One is political perfectionism, which holds the thesis that "liberalism is not grounded in any particular conception of the good, but that the liberal state can nevertheless justify laws and policies by reference to beliefs about the good life."¹ In fact, Joseph Chan's moderate Confucian perfectionism may be regarded as a political approach to perfectionism, because of its moderate and consequentialist approach to appropriate perfectionist values without fully endorsing any comprehensive doctrines to ground liberalism. But as I have argued in Chapters 3 and 6, this approach is inherently unstable and problematic, and I agree with Quong when he says that political perfectionism might not even be coherent, since the theory denies itself the very resources it needs.² The other branch is comprehensive antiperfectionism, which holds the position that the "ultimate justification of liberal rights and freedoms relies on the value of leading an autonomous life, but that same value also entails that the state should not aim to promote or discourage any particular activities, ideals, or ways of life for perfectionist reasons."³ Quong spends only a few pages and reaches the conclusion that it is not a viable option because it is a gateway theory to perfectionism: "once liberalism is tied to some specific views about the good life, the liberal state will unavoidably be acting for perfectionist reasons."⁴ It will be remembered that a similar criticism is applied to moderate perfectionism in Chapter 3, where I argued that it is difficult for moderate perfectionism to avoid making references to comprehensive doctrines, and so doing will compromise its moderate position. This is because comprehensive antiperfectionism is the

¹ Jonathan Quong, *Liberalism without Perfection* (Oxford University Press, 2011), 20.

² Ibid.

³ Ibid., 19.

⁴ Ibid., 25. The specific view Quong has in mind treats autonomy as *the* value of the good life.

exact opposite of moderate perfectionism: while the latter wishes to promote perfectionist values through avoiding comprehensive theories of the good life, the former strives to arrive at antiperfectionist conclusions through a comprehensive theory of the good life. Quong's dissatisfaction with comprehensive antiperfectionism hinges upon his impression that it necessarily has to appeal to the value of autonomy, which pushes the theory to a perfectionist direction. However, I will argue that there are at least two reasons why political liberals should take a much more serious look at this neglected branch of liberal theory.

First, Quong's verdict that comprehensive antiperfectionism is a gateway theory to perfectionism may not be fully justified. If comprehensive antiperfectionism could arrive at an antiperfectionism conclusion without collapsing into comprehensive perfectionism, then political liberalism would gain a companion theory in support of liberal neutrality. According to Quong, once "liberalism is tied to some specific views about the good life [the value of leading an autonomous life], the liberal state will unavoidably be acting for perfectionist reasons: it will be making decisions about what should be legal and illegal, what is just and what is unjust, based on a particular thesis about what adds inherent or intrinsic value to a human life."⁵ Quong has in mind something like Steven Wall's definition of autonomy as a character ideal: "It is the ideal of people charting their own course through life, fashioning their character by self-consciously choosing projects and taking up commitments from a wide range of eligible alternatives, and making something out of their lives according to their own understanding of what is valuable and worth doing."⁶ According to Wall, autonomy is not only one among many values; it is the key value that makes a life good: "autonomy is not just one intrinsic value among many; it is one of special importance . . . However well their lives may go, if they do not realize this ideal to some

⁵ Ibid.

⁶ Steven Wall, *Liberalism, Perfectionism and Restraint* (Cambridge University Press, 1998), 128.

substantial degree, they will fail to live a fully good life.”⁷ In other words, a perfectionist like Wall gives the good life specific substance: a life is good only if it is autonomous.

Quong’s criticism of autonomy-based liberalism applies very well to Wall’s account. But does comprehensive antiperfectionism necessarily presuppose that life is good only if it is autonomous? Here one could be inspired by moderate perfectionism’s approach to focus on specific perfectionist values rather than comprehensive doctrines. What if a theory does the opposite by focusing on the general and abstract concept of the good life rather than a plurality of conceptions of the good life?⁸ Is it possible for a theory to define its theoretical core on *what it is like to have a good life* rather than what is it like to have a good life *according to certain comprehensive doctrines*?

In my response to moderate perfectionism, I drew from Ronald Dworkin’s distinction between two interpretive models that connect our internal ethical convictions with external ethical circumstances.⁹ The impact model holds that “the value of a good life consists in its product, that is, in its consequences for the rest of the world.”¹⁰ The challenge model holds that “the goodness of a good life lies in its inherent value as a performance.”¹¹ The difference between the two models is profound. Unlike the impact model that “ties ethical value to objective world value,” the challenge model “allows the idea of ethical value to float free of any other kind of value,” since the emphasis is on the practice of the abstract value of a good life.¹² Based on these two interpretive models, Dworkin draws a further distinction between two ethical views in his Tanner Lectures. The “additive view” follows from the impact model. According to

⁷ Ibid., 130.

⁸ Here I follow Rawls’ distinction between concept and conception. John Rawls, *A Theory of Justice*, Revised Edition (Cambridge: Harvard University Press, 1971), 5.

⁹ Ronald Dworkin, *Sovereign Virtue: The Theory and Practice of Equality* (Harvard University Press, 2000), 254.

¹⁰ Ibid., 251.

¹¹ Ibid.

¹² Ibid., 254.

the additive view, one can judge a life good or bad without taking into consideration the beliefs of the person whose life it is. A life is good for the person just in virtue of having “the components of a good life” regardless of whether the person endorses these components.¹³ The more the person endorses these components, the more valuable her life becomes. In contrast, the “constitutive view” follows from the challenge model. According to the constitutive view, any goodness cannot contribute to the value of a person’s life unless the person endorses it. Put differently, “my life cannot be better for me in virtue of some feature or component I think has no value.”¹⁴ If one accepts both the challenge model and the constitutive view, then it seems that it is at least possible to define the good life as a valuable life with the right challenges. The value of life depends on genuine internal endorsement of some ethical convictions, and the right challenges spring from them. This definition merely tells us *what it is like to have a good life* without prioritizing autonomy or any specific comprehensive doctrines. A good life is not necessarily an autonomous life, because an unautonomous life genuinely endorsed by the person and confronted with the right challenges is also considered a good life. For example, in a well-ordered and tolerant liberal society, believers who genuinely endorse their religions are perfectly happy to let God be the author of their decisions. It is presumptuous to say that these people are not living a good life. By the same token, an autonomous life is not necessarily a good life either, because a person might be confronted with unnecessary challenges. Recall the hermit in Chapter 3, who is perfectly able to choose her lifestyle. However, if her life alone is constantly challenged by direct or indirect state policies to bond with fellow citizens, it is unlikely that the hermit would say that she is living a good life.

¹³ Ronald Dworkin, “Foundations of Liberal Equality,” *The Tanner Lectures on Human Values*, Vol. 11, Ed. Grethe Peterson (University of Utah Press, 1990), 50.

¹⁴ Ronald Dworkin, *Sovereign Virtue: The Theory and Practice of Equality* (Harvard University Press, 2000), 268.

Because the right challenges spring from people's specific conception of the good life, and because neither coercive nor non-coercive state actions can be pluralistic enough to accommodate all comprehensive doctrines, the state should refrain from endorsing any specific conception of the good life so as to avoid producing the wrong challenges that jeopardize people's good lives. The best way to achieve this is for the state to be tolerant and stay neutral when it comes to the good life. Now we appear to have reached two central liberal practices that political liberalism also endorses. The difference is one of order. Political liberalism begins with toleration and neutrality as a response to the fact of reasonable pluralism, on the basis of which the rest of the political discourse is constructed. Comprehensive antiperfectionism, in contrast, treats toleration and neutrality as flowing from people's desire to live a good life, rather than in spite of them, and considers it as an achievement instead of a starting point.¹⁵ It seems that comprehensive antiperfectionism can support "a liberal faith" without transforming into comprehensive perfectionism.¹⁶ Although the two theories begin differently, they end up in the same place. If this is the case, then political liberalism indeed gains a companion theory in advocating liberal neutrality.

However, the above characterization only shows that the theory has promise in fulfilling what it aims to achieve. If Quong's criticism could be sustained, it would also be necessary for political liberals to take comprehensive antiperfectionism seriously, because in addition to comprehensive and moderate perfectionism, there may be another branch of liberal theory that eventually leads to perfectionism. The challenge to liberal neutrality would become even more serious, and political liberals should develop further arguments in defense of political liberalism.

¹⁵ Ronald Dworkin, "Foundations of Liberal Equality," *The Tanner Lectures on Human Values*, Vol. 11, Ed. Grethe Peterson (University of Utah Press, 1990), 7, Note 2, and 118.

¹⁶ Ronald Dworkin, *Sovereign Virtue: The Theory and Practice of Equality* (Harvard University Press, 2000), 242.

As for my application of political liberalism to the Confucian East Asian context, there is a lot more that needs to be said about the necessity for a neutral state and its long-term effects on Confucianism. In Chapter 7, I argued from the perspective of democratic theory that a pluralistic approach to democratic establishment and maintenance requires a multivariate structure, a neutral state, and an active public role for Confucianism. The reason for this setup is twofold: to avoid democratic instability and to ensure cultural continuity of Confucianism. There are certainly other approaches to arrive at a similar conclusion. For instance, one might argue that having a comprehensively Confucian state may not be the best way to ensure the continued existence of Confucianism. In Chapter 7, I drew from Abdullahi Ahmed An-Na'im's discussion of Islam and the necessity for a neutral and secular state. It can be argued in a similar vein that in order for Confucianism to be authentically endorsed one ought to be willing to *choose* it to guide one's life, which means that the state should not publicly endorse Confucianism so that citizens are necessarily born into it. One might insist, as Kim does, that the public Confucian characteristic must be maintained even if liberal democracy is to be preferred over other political structure. But we ought to distinguish between maintaining Confucianism for its own sake and doing so for the sake of its cultural continuity. Many Confucian political theorists write under the premise that Confucianism ought to be the major source of political imagination because it is theoretically valuable. So the value of Confucian doctrines is sufficient to justify the necessity to maintain Confucian public characteristics for Confucianism's own sake. Although Confucianism has emerged in history as the most dominant source of influence in East Asia, this ought not to eclipse the fact that other local doctrines from Daoism and Legalism have their own unique value and contribution to the development of East Asian social and political landscape. Before insisting

on the necessity of Confucian public characteristics, one should first of all demonstrate that these other doctrines are theoretically less valuable and practically less necessary for the modern world, which is a difficult task in itself. Alternatively, if the purpose of maintaining Confucian public characteristics is to ensure its cultural continuity, then the necessity to have Confucianism guide state actions or influence public reason requires further justification. One could draw from empirical studies that demonstrate a positive correlation between liberal democracy with a neutral state and the continued development of Confucianism. Even though the dominance of Confucianism may have been declining when citizens of East Asian countries are exposed to a wide variety of comprehensive doctrines, the degree of influence among those who *do* subscribe to Confucianism has not experienced a similar decline. South Korea is perhaps the most revealing case. Although the general population in South Korea is highly divided by the types of comprehensive doctrines to which citizens subscribe, the practice of Confucian rituals and the influence of Confucian doctrines have not been substantially weakened among those who self-identity as Confucians. Similar situations can be found in other East Asian countries, especially in Taiwan and Hong Kong. As I pointed out in Chapter 5, Confucianism is a highly elastic comprehensive doctrine that is able to accommodate changing social and political conditions, so it is highly unlikely that healthy liberal democratic institutions designed to protect freedom of speech and religious diversity will undermine its cultural continuity. In other words, even if Confucianism has become a mere “habit of the heart,” we still have reasons to believe that old habits will nonetheless die hard.

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