The Review of Politics 81 (2019), 485–491.
© University of Notre Dame
doi:10.1017/S0034670519000251

Reasonable Pluralism and Pragmatic Confucian Democracy: Reply to Li

Sungmoon Kim

The recent development of Confucian political theory has been propelled largely by the debate between Confucian democrats struggling to strike a balance between the democratic ideals of political equality and right to political participation and the Confucian conception of the good life, on the one hand, and Confucian meritocrats who reject or only partially embrace such democratic ideals and advocate "rule by the best and the brightest," on the other. Despite their different political orientations, however, democrats and meritocrats generally share two underlying premises: first, that their proposed Confucian political theory is qualitatively distinguished from liberal political theory, even when some democratic values and institutions are embraced for instrumental or noninstrumental reasons, and second, that inasmuch as Confucian political theory aims to promote a certain Confucian conception of the good life by democratic or meritocratic means, it inevitably takes a perfectionist outlook.

In "Political Confucianism and Multivariate Democracy in East Asia," Zhouyao Li makes an important intervention in contemporary Confucian political theory from a political liberal standpoint à la Rawls by rejecting these two underlying premises, which are deemed to be at odds with political liberalism's antiperfectionist/neutralist strategy. Li suggests instead a "multivariate democracy" as the most suitable form of democracy in East Asia given the region's increasing pluralism. At the core of Li's argument is his belief that a truly pragmatic democracy that can enjoy (nearly) full moral justification in the context of "hyperpluralism" should be a sort of multivariate democracy where citizens subscribing to different and incommensurable comprehensive doctrines can still relate to the constitutional essentials. These essentials ought to be neutral in relation to any such comprehensive doctrine. Li concludes that "acknowledging the fact of reasonable pluralism in East Asian societies is at odds with a democratic theory that is Confucian in nature" and that

Sungmoon Kim is Professor of Political Theory in the Department of Social and Public Administration, City University Hong Kong, 83 Tat Chee Avenue, Kowloon Tong, Hong Kong, China (sungmkim@cityu.edu.hk).

https://doi.org/10.1017/S0034670519000251 Published online by Cambridge University Press

"to be truly pragmatic about democracy is to hold a pluralistic attitude toward how people will come to terms with it."

If we follow Li's reasoning strictly, however, no society can reasonably reform its traditional (morally perfectionist) religion and culture, thereby creating its own unique mode of political system in a way distinguished from a Western-style liberal democracy, because any form of comprehensive perfectionism is morally at fault. This is because it violates the legitimacy condition demanded by hyperpluralism, even if it is reconstructed into a robust democracy fully protecting constitutional rights and public equality.[1] For Li, just as for Samuel Huntington, the very term "Confucian democracy" is oxymoronic, regardless of how Confucianism is reformed—hence his suggestion to "take 'Confucian' away from 'pragmatic Confucian democracy" and construct a genuinely pragmatic theory of democracy unalloyed by any comprehensive doctrine.

I have several other questions regarding Li's appraisal of pragmatic Confucian democracy (and Confucian perfectionism in general) and his alternative idea of a multivariate democracy. My first question has to do with the idea of hyperpluralism, from which Li develops his normative theory. He borrows this idea from Alessandro Ferrara, who revamps Rawls's political liberalism from the perspective of hyperpluralism.[2] If, as Ferrara claims, hyperpluralism obtains only in mature liberal democracies, can this idea be applicable to the East Asian context where democracies are new or democratic transition has yet to occur? Moreover, given that in Rawls's political theory the multivariate structures of political justification are devised for the international system, are they applicable to domestic societies without critically violating Rawls's underlying premise of political liberalism? The second question is concerned with Li's a priori and implacable conception of, and objection to, Confucianism as a comprehensive political doctrine. Is Li's understanding of Confucianism sociologically plausible? Also, can Confucianism as private value system properly capture the kind of Confucianism (as public culture) that still undergirds East Asian societies? Finally, is pragmatic Confucian democracy fundamentally unjustifiable to "non-Confucians" given the seemingly privileged status of Confucianism therein?

[1]For the central importance of public equality and equal constitutional rights to public reason Confucianism and pragmatic Confucian democracy, see Sungmoon Kim, *Democracy after Virtue: Toward Pragmatic Confucian Democracy* (New York: Oxford University Press, 2018), 92–96, and *Public Reason Confucianism: Democratic Perfectionism and Constitutionalism in East Asia* (New York: Cambridge University Press, 2016), 94–96.

[2]Alessandro Ferrara, *The Democratic Horizon: Hyperpluralism and the Renewal of Political Liberalism* (New York: Cambridge University Press, 2014).

https://doi.org/10.1017/S0034670519000251 Published online by Cambridge University Press

The Idea of Hyperpluralism

As Li admits, Ferrara proposes a multivariate democracy in the context of "hyperpluralism" that characterizes the social culture of *mature liberal democracies* in the West. But does "hyperpluralism" adequately describe the reality of pluralism in East Asia where the people never experienced the Reformation and the Wars of Religion and still largely share Confucian communitarian values and civilities?[3] How many countries in East Asia are "mature liberal democracies" as understood by Ferrara? After all, I have offered pragmatic Confucian democracy as a specific mode of democracy suitable for East Asian societies that have only recently been democratized or have yet to undergo democratic transition, precisely because of my deep skepticism that liberal democratic theories that have mature liberal democracies as their normative inspiration or empirical guidance are unsuited for East Asians who are embedded in different cultural and political contexts. Interestingly, Li seems to admit the overly conjectural nature of his project when he says, "I am not actually arguing that East Asia is under the influence of hyperpluralism. What I am instead doing is exporting the challenges of hyperpluralism in mature democracies to describe the difficulties confronting democratization in East Asia where a multivariate polity might offer a more pragmatic understanding of democratic transition and establishment." If hyperpluralism has a limited relevance in East Asia, why "export" and construct a political theory around it?

In developing the idea of a multivariate democracy, Ferrara was deeply inspired by Rawls's *Law of Peoples* which proposes the multivariate structures that can help all peoples in the world, both liberal and nonliberal, to create the Society of Peoples. Li, however, never discusses whether it is plausible to introduce radical pluralism, characteristic of the international system, into a domestic society, bounded by one constitutional identity and often entertaining its own unique public culture.[4] After all, even Rawls does not embrace this controversial methodology in his theory of political liberalism when he valorizes an overlapping consensus among liberal citizens by means of public reason, which he believes is embedded in the public culture of (mature) liberal democracy. Given the radically different origin and nature of pluralism in East Asia, I see no compelling reason to adopt Ferrara's underlying normative premise and his question-begging methodology in thinking about democracy in the East Asian context.

Even if my criticism of Li's methodology that justifies multivariate democracy is granted, his argument for the neutral state could still hold. One may even claim that the idea of the neutral state offers the only legitimate way

[3]See, for instance, Sungmoon Kim, *Confucian Democracy in East Asia: Theory and Practice* (New York: Cambridge University Press, 2014), chap. 10.

[4]See David Miller, *On Nationality* (Oxford: Oxford University Press, 1995).

https://doi.org/10.1017/S0034670519000251 Published online by Cambridge University Press

to create a democracy that can fully accommodate all sorts of comprehensive doctrines. Indeed, Li's reasoning, which finds any form of comprehensive perfectionism to be incompatible with reasonable pluralism, allows no room for the perfectionist state as it would *inevitably* lead to a dangerous state paternalism. For Li, it does not practically matter whether the Confucian perfectionism in question is fully or only partially comprehensive because "when the language of the state is guided by Confucianism … 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." This "risk" that can "somehow" justify undesirable features of traditional Confucianism drives Li to blur the critical philosophical difference between extreme Confucian perfectionism (often of a meritocratic outlook) and moderate Confucian perfectionism, of which public reason Confucianism (which underpins a pragmatic Confucian democracy) is one specific kind. But how is this different from rejecting democracy because of its potential deterioration into civic totalism simply on the ground that they both operate on the ideas of positive liberty and general will?

Why Confucianism?

Li's deepest problem with pragmatic Confucian democracy boils down to the special normative privilege that Confucianism as a comprehensive doctrine seems to enjoy therein. If citizens in East Asia hold many different comprehensive doctrines including Daoism and Buddhism, Li asks, "Why Confucianism?" especially when only a small number of East Asian people self-consciously identify themselves as a Confucian. How can Confucian democracy be justified to non-Confucian citizens?

I define "Confucian citizens" in terms of citizens in a Confucian society who "are still saturated with Confucian habits, mores, and moral sentiments, despite their subscriptions to various comprehensive doctrines, and even though they may not hold Confucianism as their self-consciously chosen personal value system."[5] And my idea of "Confucian citizens" is based on the sociological finding that "even those who identified themselves as Christians and adhered to Christian values and practices were very much inclined to Confucian values and practices as well, and when measured against the itemized scale, a substantial majority of Korean Christians were found in fact to be a least 'marginal' members of Confucianism."[6] Statistical evidence, based on survey data, that Li uses to counter the sociological foundation of pragmatic Confucian democracy can only account for those whose

[5]Kim, *Public Reason Confucianism*, 88.

[6]Byung-ik Koh, "Confucianism in Contemporary Korea," in *Confucian Traditions in East Asian Modernity*, ed. Tu Wei-ming (Cambridge, MA: Harvard University Press, 1996), 199.

https://doi.org/10.1017/S0034670519000251 Published online by Cambridge University Press

self-chosen value system is Confucianism (especially religious Confucianism), whereas the "Confucianism" I am interested in is not so much an individual value system as a shared public culture that, often unwittingly but profoundly, influences East Asian citizens' moral values, moral sentiments, and social practices, without being affiliated with any specific comprehensive Confucian philosophical doctrine. This version of Confucianism, though deeply concerned with a particular way of life, is only partially comprehensive and only "intelligibly" (but not essentially) Confucian, capable of many forms of overlapping relationship with other comprehensive doctrines.[7] So, while a "Muslim-Christian" sounds fundamentally contradictory, we can think of (and there indeed exist) various kinds of dual identities in relation to Confucianism such as Confucian-Christians, Confucian-Buddhists, Confucian-Muslims, and so on. In traditional East Asia, Confucianism often coexisted harmoniously with Buddhism and Daoism under the idea of "unity among three religions" (*san jiao he yi* 三教合一) without forfeiting its paramount sociopolitical significance.

Thus understood, whereas religious or philosophical Confucianism is indeed one of many comprehensive doctrines in East Asia,[8] Confucian public culture occupies a special political significance in my political theory. In contrast, Li's formalistic understanding of Confucianism as categorically incompatible with other comprehensive doctrines does not do justice to the many different versions of Confucianism, especially Confucian public culture's remarkable fluidity, inclusiveness, and adaptability as partially comprehensive Confucianism when properly constrained by democratic principles. It is quite surprising that Li says nothing substantive about Confucianism itself as a philosophical and cultural tradition in a work that aims to engage with Confucian political theory.

There is, however, an additional and more important reason to construct pragmatic democracy in terms of Confucian democracy. As my case studies in chapters 3 and 4 of *Public Reason Confucianism* clearly demonstrate, as far as East Asian citizens' public life is concerned, it is always and saliently Confucian values, ideals, and moral sentiments that either stand in the way of more progressive legal and sociopolitical reforms in East Asian societies or influence the way in which East Asian citizens, politicians, and judges make important public decisions including adjudication of the conflict of rights and freedoms. Moreover, significant parts of East Asia's civil and criminal codes arguably still heavily reflect key Confucian values such as filial piety, ancestor worship, respect for elders, ritual propriety, and family harmony. This often requires East Asian citizens (or "Confucian citizens" as

[7]I call this "the intelligibility condition" of public reason Confucianism. See Kim, *Public Reason Confucianism*, 15–16.

[8]I allow no special moral and constitutional standing to fully comprehensive Confucianism (ibid., 160–65 and 194–201).

https://doi.org/10.1017/S0034670519000251 Published online by Cambridge University Press

I call them) to negotiate Confucian values with liberal rights and democratic principles. Public reason Confucianism refers to a specific mode of democratic Confucianism that has undergone such cultural negotiation—which I call "mutual accommodation"[9]—in mediation of public reason that is grounded in Confucian mores, values, and moral sentiments. Pragmatic Confucian democracy supports a democratic constitutional structure that can create an institutional home for public reason Confucianism with equal attention to democracy's instrumental capability of coordinating complex social, economic, and political interactions among citizens effectively under the circumstances of modern politics marked by value pluralism and moral disagreement.

The Problem of Justification

Can public reason Confucianism and pragmatic Confucian democracy be fully justified to "non-Confucians," understood as those who are not willing to accommodate their public life to even partial and democratic Confucianism—for instance, immigrants who completely reject core Confucian values such as filial piety? Though this is Li's (and many of my critics') central concern, my political theory begins with the dual ambition of transforming traditional, fully comprehensive Confucianism that is androcentric, patriarchal, and hierarchical into democratic Confucianism that can *facilitate* reasonable pluralism in civil society, and transforming a nondemocratic political system into a robust democracy grounded in reformed Confucian public culture. My primary focus is not so much justifying public reason Confucianism and pragmatic Confucian democracy, the outcome of these transformations, to non-Confucians, however we understand them, although I do not deny the importance of this burden of justification. What is far more urgent for me is to create "Confucian citizens" in a normatively and politically robust sense, by *encouraging* East Asians, who had no meaningful opportunity to envision and design their modern public life in light of their cultural values in the wake of colonialism, wars, and rapid Western modernization. Without denying the fact that citizens in East Asia hold diverse comprehensive doctrines as private individuals or members of voluntary associations, pragmatic Confucian democracy aims to *cultivate* public reason that can be broadly shared and accepted by fellow citizens whose individual and associational freedoms are under equal constitutional protection. When they cultivate shared public reason (what I call "Confucian public reason"), the hope is that they can promote a valuable political life and exercise common democratic citizenship in a way meaningful to them. Their common democratic citizenship in turn can transform otherwise brute social pluralism in civil society into reasonable pluralism.

[9]Kim, *Democracy after Virtue*, 75.

https://doi.org/10.1017/S0034670519000251 Published online by Cambridge University Press

In a pragmatic Confucian democracy, reasonable pluralism does not refer to the mere social fact of pluralism. In such a democracy, pluralism as such holds no intrinsic value as if diversity is good for its own sake. Pluralism is a value that has to be negotiated with public reason in the service of democratic citizenship. Reasonable pluralism is the outcome of this negotiation and public reason Confucianism provides one concrete mode by which to cultivate reasonable pluralism in a Confucian society. It is an open question whether public reason Confucianism as a facilitator of reasonable pluralism (and pragmatic democracy as an institutional home for public reason Confucianism) would be deemed acceptable to both Confucian and non-Confucian citizens. One thing I can say with certainty, though, is that nothing can be more naive than to assume that public decisions made by the use of liberal or Confucian public reason would be automatically acceptable, let alone justifiable, to liberal or Confucian democratic citizens, and that Confucian democracy is naturally unjustified to non-Confucians. Furthermore, it would be equally naive to stipulate perfect justifiability or full legitimacy based on an analytic philosophical metric which takes into account only one key factor, pluralism in the present context. Unfortunately, Li's multivariate democracy does not discuss how to transform the fact of pluralism into that of reasonable pluralism. Nor does Li explain clearly how reasonable pluralism is distinguished from hyperpluralism.

https://doi.org/10.1017/S0034670519000251 Published online by Cambridge University Press