

The last few years have seen a flurry of works looking to formulate a Confucian political philosophy that can inform political thinking in the 21st century. These works include Joseph Chan's *Confucian Perfectionism*, Stephen Angle's *Contemporary Confucian Political Philosophy*, Songmoon Kim's, *Confucian Democracy in East Asia*, and May Sim's forthcoming *Continuous Confucianism: A Confucian Understanding of Human Rights*. Anticipating these were Roger Ames and David Hall's *Democracy of the Dead*, Sor-hoon Tan's *Confucian Democracy*, and Daniel Bell's *Beyond Liberalism* among others.¹

The authors of these works are largely concerned with the prospects of East Asia countries with little history of democratic government—China in particular—moving towards systems of government incorporating elements of western liberal democracies.² These works also, I think it is safe to say, harbor a degree of ambivalence about the prospects of a more democratic East Asia. One source of this ambivalence is a desire to preserve what is seen as valuable in classical Confucian thinking about politics and social relations as well as aspects of the cultural legacy of Confucianism. A second source of ambivalence is the recognition on the part of all these thinkers of the shortcomings of Western liberalism, both in theory and practice. There are degrees of dissatisfaction with liberalism on display in these works, but none of the works listed uncritically accept the superiority of liberalism as either a political philosophy or as represented in existing states, and some see it as something to be

¹ Erin Cline's *Confucius, Rawls, and the Sense of Justice* deserves mention here as well and I will be drawing on this work below. Cline's focus, however, is narrower than the others and she is less overtly concerned with the prospect of a Confucian democracy or liberalized Confucianism.

² Kim is an exception here in focusing on South Korea, which has to a significant extent already implemented such reforms.

resisted. Nonetheless, despite their willingness to challenge or reject elements of western liberalism, that some degree of democratic reform in China is likely and that to be welcomed is another piece of common ground.

The challenge then is to balance a number of concerns that are not easily reconciled and which reflect two competing impulses. One is to formulate a version of Confucianism that can challenge or supplement the liberalism dominant in Western political thought. The second is to find space within Confucianism for what all these authors recognize as important achievements of the liberal democratic tradition. These achievements include greater gender equality, protection of basic rights—those of various minority populations in particular—and equality under the law. The juxtaposition of these two goals creates tension: it is difficult to balance the critique of liberalism suggested by the first with the willingness to defer to liberal ideals or standards assumed by the second. One danger is that these updated Confucianisms will be too liberal to support an interesting critique of either Western democracies or democratic theorizing; an opposing danger is that they will be too Confucian to appeal even to East Asians whose sensibilities are increasingly colored by exposure to contemporary Western values. It is not surprising, then, that each of the works feels obliged to acknowledge and grapple with Samuel Huntington’s blunt claim that “Confucian democracy is clearly a contradiction in terms.”³

One way in which the authors listed above attempt to resolve this tension is by, as Joseph Chan puts it, looking for “elements” of liberal thinking in Classical Confucian thinking. The hope is that by identifying these elements we can develop a faithful

³ This sentence is quoted in.... It originally appears in....

version of Confucianism that nonetheless accommodates the better parts of liberalism while avoiding its liabilities. For example, while Chan concedes classical Confucian thinkers never committed themselves to an explicit principle of limited government, the ingredients of such a principle can be found in Confucian appeals to *tianming* and the idea that a ruler is a true king only if the people want to live under him. Similarly, Sim as well as Ames and Hall finds resonance with what have come to be called second generation rights in the Confucian insistence that a ruler care for the needy.⁴ Songmoon Kim finds a commitment to religious pluralism in a recent Korean court case that criticized, on what Kim finds to be Confucian grounds, a school's failure to accommodate the minority religious beliefs of one of its students. And a number of these writers find a basis for a distinctively Confucian ideal of individual autonomy the tradition's commitment to self-cultivation.

II: Confucian Democracy or Liberal Confucianism

While I find much of value in the works motivated by the strategy of finding elements of liberalism in classical Confucianism, I think it is time to explore what might come if we reverse it with an eye towards addressing some of the criticisms Confucians scholars direct towards liberalism. Rather than making the case for Confucian democracy, I will look for the elements of Confucian ideals in contemporary liberalism. For present purposes I will limited myself to a focus on the role of *li* (禮), or ritual propriety, in Confucian political thinking, looking to see if a commitment to something like *li* is at least implicit in contemporary liberal thought. Identifying such

⁴ In this all are following Henry Rosemont Jr.'s well known article on Xunzi, ...

elements would provide an additional reason to suppose the distance between the two traditions is not as stark as is sometimes supposed.

Additionally, to the extent Confucian insights captured in the idea of *li* seem important and relevant, uncovering the presence of similar elements in liberalism could point to ways in which the latter might be improved. This is not a particularly original thought—most of the works noted above spend a fair amount of time on *li* finding, as often as not, parallels with the political virtue of civility as recognized by Western thinkers.⁵ *Li* is also used to highlight the need for a system of moral education sufficient to produce reasonable and tolerant citizens, which is also often discussed in liberal political philosophy. Building on these insights I will argue that *li* can illuminate an additional facet of contemporary liberal thinking overlooked or underemphasized by western thinkers, namely the importance of what John Rawls calls the political virtues.

I will focus on Rawls because his work exemplifies elements of liberal political philosophy that are the target of some of the most persistent and trenchant criticisms leveled against it.⁶ Rawls is routinely taken to task for being excessively individualistic and for assuming an implausible conception of humans as self-interested and concerned primarily with utility satisfaction. Often these criticisms are rooted in Rawls' use of the Original Position as a "device of representation" for thinking about matters of fairness. Despite his many warnings against the misunderstanding, Rawls'

⁵ See discussions in Chan and Angle...

⁶ Roger Ames and Joanne... have independently suggested there are liberal thinkers who would make for a better focus for this project than Rawls. Ames suggested Amartya Sen's work on the capabilities approach while ... was amendable to my own suggestion that Martha Nussbaum's work on the same would have been a more obvious choice. So, again, why Rawls? The answer is largely because of his prominence as a target of Confucian dissatisfaction with liberal thinking coupled with my own long standing sense that Rawls is too often being misread.

characterization of the participants in the Original Position is routinely taken as an exhaustive picture of human nature, leading to the charge that Rawls believes humans can actually exist as radical individuals divorced from all affective and communal ties.⁷ Following Erin Cline, I think a more nuanced reading of Rawls—a reading that attends to some less celebrated and studied portions of his work—reveals a liberalism that is more accommodating of the communitarian thrust of contemporary Confucian thinking. A Confucian reading of Rawls will, I argue, tend towards some significant adjustments in his theory. However, such a reading will answer the implicit charge that a Liberal Confucianism is clearly a contradiction in terms.

Political Virtues and the Priority of Right

As is well known, a core commitment to Rawls' liberal theory of justice is its commitment to the principle of the "priority of right over the good." What Rawls means by this slogan is that a liberal theory of justice by its nature seeks to outline what kinds of lives are permissible in a pluralistic society without dictating which if any of these ways of living is in fact *good*. Put differently, liberal states bracket questions of the good and look to define the rights and obligations of free and equal citizens vis-a-vis each other and the government. Responsibility for formulating a conception of the good then falls to individuals and so is not a properly political matter. In this way Rawls arrives at the liberal idea of "neutrality"—a liberal state is neutral between competing conceptions of the good, or what he calls "comprehensive doctrines." By contrast, what Rawls dubbed "perfectionist" theories of government—tied by Rawls to classical

⁷A particularly influential version of this objection is in Michael Sandel's book length critique of *A Theory of Justice*, ...

thinkers such as Aristotle and Plato—define at least the core elements of a good life *per se*, and count steering citizens towards such a life as a fundamental responsibility of the state. A perfectionist state, then, defines what is permissible with an eye towards what good—only those ways of living tending us towards the good need be tolerated.

As Rawls notes in *Political Liberalism*, both the formulation of the “priority of the right over the good” and talk of “neutrality” are subject to misunderstanding if taken to mean or imply that liberal thinking can get by without any appeal to any conception of the good. Rather, as he explains in this work, his theory of justice does appeal to substantive goods and, he freely recognizes, there is a clear sense in which it is decidedly *not* neutral between “comprehensive doctrines.” This move works, according to Rawls, if liberalism limits its goods to those that can be identified and accepted as such by all citizens whatever their comprehensive doctrines might be. Some examples will help make this clear.

One example has to do with the distribution of important resources among the population of a liberal state. Just what is judged to be necessary for a life well lived will vary among individuals who arrive at their own ideas of what counts as a life well lived—beliefs will vary about what is needed for a good life. But Rawls identifies as “basic goods” those things that will improve a person’s life, and be understood by them to do so, regardless of their religious beliefs or philosophical commitments. Such goods include the material means to a minimally decent life, basic rights and freedoms, and “the bases of self-respect.” Having so identified these “basic goods”, Rawls’ political theory can then work on identifying the conditions of their just distribution. Only after these goods are identified is the sphere of what is permissible drawn—ways of living

that would unjustly limit another person's access to the basic goods should be judged to be impermissible within a liberal state.

Rawls' qualifications as to how he understands state "neutrality" point to a second area in which he appeals to a conception of the good. In the intended sense, laws are neutral if they can be defended according to principles that adherents of all reasonable comprehensive doctrines can endorse. These are principles that would be chosen in the Original Position without appeal to or reliance on any particular comprehensive doctrine. However, Rawls freely grants that even if the state acts in a way that does not assume the truth or falsity of any particular comprehensive doctrine, it can still happen that its policies will work against adherents of some comprehensive doctrines and to the advantage of others. For example, Rawls argues plausibly that religious freedom would be a principle endorsed by participants in the Original Position, a result that reflects liberalism's commitment to the right of individuals to determine for themselves which, if any, religions to practice. However, laws protecting religious freedom will work against any faith that requires coerced membership for its continued existence. Indeed, such laws will likely guarantee the disappearance of communities that depend on the punishment of heretics and apostates. From a liberal perspective such a result is of course to be welcomed—liberalism sees nothing good in ways of life that are coercive to their core. So there is a clear sense in which the laws that lead to these results are not neutral between comprehensive doctrines if judged by their *outcome*—they favor comprehensive doctrines whose core values are more consistent with the political emphasis on autonomy and individual freedom.

Rawls uses a similar strategy in characterizing what he calls the political virtues. Here Rawls acknowledges another way in which a sense of the good must inform political liberalism as the virtues in questions are used to characterize good citizens, and in so doing put constraints on matters that we might initially suppose should be left to individual choice. Rawls speaks here to the kind of character those living in a liberal democracy must approximate if it is to be both viable and sustainable over time. While liberal neutrality guarantees individuals the right to decide for themselves what kind of person they wish to become, Rawls argues there should be a preference for those that are consistent with a conception of good appropriate to political liberalism—good citizens will be those whose character *in toto* incorporates and is consistent with the kind of character that tends a person towards attitudes and behaviors that allows liberal democracy to work. As Rawls puts it:

even though political liberalism seeks common ground and is neutral in aim, it is important to emphasize that it may still affirm the superiority of certain forms of moral character and encourage certain moral virtues. Thus justice as fairness includes an account of certain political virtues—the virtues of fair social cooperation such as the virtues of civility and tolerance, of reasonableness and the sense of fairness. (194)

What entitles political liberalism to identify civility, tolerance, reasonableness, and the sense of fairness as virtues is our ability to recognize them as such regardless of our conceptions of the good. It is here that I hope to find some point of contact between Rawls' Political Liberalism and Confucianism.

The Political Virtues and Moral Education

For present purposes I will assume that Rawls' list of political virtues is plausible and consistent with the commitments of Political Liberalism—we will grant that an sufficiently extensive distribution of these traits across the population is necessary for a functional and sustainable liberal democracy and that we can recognize them as virtues without assuming the truth of any particular comprehensive doctrine. What I want to explore are the implications of recognizing these traits as political virtues when we add a further component, which is the need for these traits to be instilled in citizens through some kind of deliberate moral education. Rawls recognizes that he cannot simply assume citizens will develop these traits. Instead he pushes further in using them to identify, in a very basic way, the contours of the kind of education a liberal democracy can and should insist every person get. Political Liberalism, he argues, must insist that children's schooling "encourage the political virtues so that they want to honor the fair terms of social cooperation in their relations with the rest of society." (199)

What I want to pursue is the question of just what is implicated in the idea of an education that will, *inter alia*, instill the political virtues in children as future citizens. Rawls offers an extensive account of the moral psychology his political theory assumes as well as an insightful discussion of the kind of moral education that is needed to develop in a person traits such as civility, tolerance, and a sense of fairness. As Cline has explored with considerable insight, this discussion touches on matters of family life, affective relationships, and communal life that suggest a surprising degree of resonance with Confucian thought. Still, this discussion is pitched at a high level of

abstraction. I will suggest that bringing Rawls' thought on these matters into closer contact with day to day realities point us towards the potential significance of the what Confucianism dubs *li* to liberal thought. In the process it presents a potential dilemma for Rawls. Either, I will argue, accommodating *li* will collapse the distinction between comprehensive and political liberalism so important to Rawls; or it will suggest an expansion of what counts as "public" and political liberalism's commitment to a conception of the good to a surprising degree. I will end by suggesting the second horn is preferable.

Rawlsian Moral Education

Rawls' moral psychology is developed at length in Part III of *A Theory of Justice*, and the topic is revisited less extensively in *Political Liberalism* and *Justice as Fairness: A Restatement*. Rawls' focus is on the natural trajectory of human moral development. Having accepted the burden of showing that a society governed by institutions that are just as measured by Justice as Fairness would be sustainable, Rawls wishes to make explicit the kinds of assumptions he was making about the psychology of liberal citizens. Specifically, he hopes to demonstrate that he is on solid ground psychologically in assuming that liberal citizens will reliably develop a "sense of justice" if they grow up in a just society. To this end, he hopes to show this sense of justice is both a psychological reality and a predictable result of a plausible process of moral education.

In *A Theory of Justice*, Rawls draws on the work of Jean Piaget and Lawrence Kohlberg to sketch a theory of moral development that traces the emergence of a sense of justice through a child's initial experiences in a loving and structured family

through her growing connection with a broader social world governed by principles of justice.