A CONFUCIAN VERSION OF HYBRID REGIME: HOW DOES IT WORK AND WHY IS IT SUPERIOR?[1]

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Abstract

There are four problems with democracy, especially the institution of one person one vote. Many democratic and liberal thinkers understand them and try to correct them from within. But I will argue that these revisions are fundamentally inadequate to address these problems. A better political arrangement to deal with this fact than today's democracies is a hybrid regime that contains both democratic and meritocratic elements, which is what a Confucian would propose. I will illustrate the basic arrangements of this regime, and show why it can deal with the aforementioned fact and so why it is superior to today's democratic regimes.

บทคัดย่อ

มีปัญหา 4 ประการที่เกี่ยวกับประชาธิปไตย โดยเฉพาะอย่างยิ่งปัญหาที่เกี่ยวกับหนึ่งคนหนึ่งเสียง นักคิดเสรีนิยมและประชาธิปไตยหลายคนพยามยามที่จะเข้าใจปัญหาเหล่านี้ และแก้ไขภายใต้กรอบประชาธิปไตยแบบเสรีนิยม แต่ผู้เขียนจะโต้แย้งว่าวิธีการแก้ปัญหานี้ยังมีพื้นฐานที่ไม่เพียงพอที่จะช่วยแก้ปัญหาได้ แนวทางการเมืองที่ดีกว่าประชาธิปไตยในปัจจุบัน คือ ระบบผสมระหว่างหลักประชาธิปไตยและระบบคุณธรรม ซึ่งเป็นแนวความคิดตามที่ชาวขงจื๊อเสนอ บทความนี้ผู้เขียนจะได้นำเสนอแนวคิดในการจัดการแบบพื้นฐาน ซึ่งจะแสดงให้เห็นว่า แนวคิดที่ว่านี้จะสามารถแก้ไขปัญหาที่กล่าวมาได้และยังมีความเลิศล้ำกว่าอาณาจักรประชาธิปไตยในปัจจุบัน

1. Four problems with democracy

The majority of people all over the world may still believe that liberal democracy is the best possible regime, the "end of history", as Francis Fukuyama's famous book's title suggests (1992). When facing with challenges that show problems with democracies, the more informed tend to appeal to the famous retort allegedly made by Winston Churchill: "Democracy is the worst form of government, except for all those other forms that have been tried from time to time".[2] Clever as it seems, this claim may be a sign of our intellectual laziness, because it lacks empirical and theoretical support. Empirically, in controlling corruption, making sound long-term economic policies, decreasing ethnic violence, and choosing leaders that are competent and represent the true will of the people, democracies, especially in the developing world, don't always or clearly do better than non-democracies.[3]

Theoretically, democracy, with regard to its institution of one person one vote, also leads to many problems. First, the mainstream ideology beneath one person one vote is the belief in the power of the people, and, by implication, the suspicion of the power of the elite and even the power of the government. For example, the anti-government and anti-intellectualist attitude is a reason for many peculiar American phenomena. These phenomena include, first, a critical factor of "electability" of a candidate is whether he or she is likable, is one of us, and is someone that can come to visit us in our living rooms. In the 2004 presidential campaign, a "masterpiece" by the Bush team is to label successfully John Kerry as a member of the East Coast elite. Those who support Bush believe in this propaganda, while those who are against him are convinced that Bush is a redneck, like so many of his supporters. However, the matter of the fact is that the Bush family also came from the East Coast, and his family is actually far more established than Kerry's. Bush and Kerry both went to Yale and attended the same secret club. Moreover, what many Americans don't know is that Bush had higher GPA's than Kerry in college. The cover-up of Bush's background and the attack on Kerry may have been a result of the campaign culture that is rooted in one person one vote. Second, American politicians often claim to be an outsider of the government in order to get elected into the government,

and that their role in the government is to get rid of it. When a ruling branch of a government consists of 'simple folks' who despise government (i.e., themselves), it is hard to imagine this branch will turn out to be respected, even by the people who put them there. This is probably why

> the US Congress – in principle, the most representative of political institutions – scores at the bottom of most surveys asking Americans which institutions they most respect whereas the Supreme Court, the armed forces, and the Federal Reserve System (all appointed rather than elected bodies) score highest. (Zakaria 2003, 248)

Daniel Bell quotes this passage and uses it to support his Confucian model that is partly based upon the rule of the wise and virtuous and demands respect for government (Bell 2006, 289, note 34).

Second, the institution of one person one vote lacks effective mechanisms to take into account the interest of non-voters, including future (and past) generations and foreigners. Thus, democracy may have difficulties in dealing with issues of budget deficit (i.e., spending future generations' money for the present voters), environmental issues that are related to spending the resources of future generations, and foreign aid or other issues involving the interests of foreigners. For example, an interesting phenomenon in the U.S. is that, those interest groups that are concerned with the interests of domestic workers, such as unions and Democrats that are supported by these unions, often favor protectionist policies that hurt the interests of poor workers in other countries.

Third, and related to the second issue, even among the present living adults of a state, the interest of the vocal and powerful tends to trump the interest of the silent (or silenced) and the powerless. This may be a reason for the ethnical problems in democracies, especially the newly democratized ones (that haven't yet developed fully-functioned rule of law and the protection of liberties).

Fourth, even with regard to their own interests, it is questionable whether voters alone can be the best judges of them. As many political observers-from both a more popular and anecdotal perspective and a more scholarly perspective-have pointed out, the appalling political ignorance

of the (American) general public is a well-established fact over "the six decades of modern public opinion research" (Ackerman and Fishkin 2004, 34).[4]

As an example, let me discuss a particular symptom that may have been caused by the above problems, the issue of foreign policy. Foreign policy often needs expertise, patient and often painful dialogues, and long-term planning. But in a popular democracy such as the U.S., as Henry Kissinger argues, foreign policy is often driven by the public mood, and this mood is in turn swayed by what is on TV, but not determined by what is important in international affairs. Another influence on foreign policies is domestic politics that has nothing to do with diplomacy. This is because, oftentimes, a congressperson or an official who is in favor of a foreign policy has to promise to support a domestic item to get the support of another congressperson or another official. These factors are obviously in conflict with the needs of good diplomatic policies (Kissinger 2001, 77).

2. "Internal" solutions to these problems and their fundamental limit

Many liberal and democratic thinkers also realize the aforementioned problems with democracy, especially the institution of one person one vote, and have offered various answers to these problems. On the first problem, an obvious answer is call for a proper respect for reason and government. The respect for reason (and those with reason) doesn't necessarily mean the negation of equality. People can still be equal in many ways, because equality is a rather broad concept. Government should be understood as a necessary good, and not as a necessary evil or even an unnecessary evil. Popular elections can be understood as selecting the most competent and worthy, and not as the punishment of the bad.[5] These revisions can be endorsed by some liberal and democratic thinkers, without contradicting their fundamental tenets.

A cause of the first three problems is an immoral and radical version of individualism that is taken by some as the sacred ideology of democracy. According to this individualism, we are and should be free and equal individuals who care nothing but our self-interests ("self" under-

stood as an atom- or monad-like individual). We concede part of our freedom to be under a government because we would be better off than we would be in the natural state of affairs, where our interests are in constant jeopardy from other selfish individuals-hence the government is considered a necessary evil, or because we are deceived to think so-hence the government is considered an unnecessary evil. Other than the regulations by the government which are considered necessary in this tradeoff, we should assert our self-interests as much as we like. As mentioned, "self" here is understood as an atom- or monad-like individual, and thus self-interests are narrowly defined. The interests of our ancestors or descendants (especially those who are present) are not a part of these self-interests, nor are the interests of foreigners. To say that self-interests are narrowly defined doesn't mean that they only include immediate material interests. They can also include articles of faith taken sacred by the individual. As a result, for example, there are so-called "issue-voters" in American democracy. They vote based upon their pre-determined articles of faith (on abortion, gun rights, etc.), not allowing it to be open to just and fair discussion with others. Democracy then degenerates into a form of peaceful form of battle of might (which side has more issue voters that can push their legislature through).

Perhaps seeing that this selfish and radical version of individualism as a cause of the first three problems of democracy, the late American political philosopher John Rawls, for example, challenges the view one person one vote is nothing but counting heads, and argues that, for voting to be justifiable, the voting entity has to consider the common good or the interests of other entities, rather than merely its own narrowly defined private interests. We can see this from the concept of "reasonable", as well as the related concepts of public reason and reciprocity, that are crucial to his understanding of liberal democracy in his later philosophy. On the concept of "reasonable", Rawls writes,

> Citizens are reasonable when, viewing one another as free and equal in a system of social cooperation over generations, they are prepared to offer one another fair terms of social cooperation … and they agree to act on those terms, even at the cost of their own interests in particular

> situations, provided that others also accept those terms. (Rawls 1996, xliv)[6]

On the contrary, if one votes purely based upon one's comprehensive doctrine, and accepts the failure of pushing through his or her agenda by the majority of votes only as a convenient truce waiting to be broken by any means possible, for Rawls, the stability so achieved is a "modus vivendi" and is not stability for the right reasons.[7] In short, according to Rawls, liberal democracy requires that each voter vote not merely on private interests, including both material and doctrinal, but on a conception of common good.

But how to achieve this? How to make people moral as required by Rawls and by our need to address the first three problems of democracy? To achieve this "civil friendship" (Rawls 1999a, 137), Rawls appeals to education and habituation ("moral learning") that are conducted through social and political institutions arranged by liberal democracy (ibid., 15 and 44-45), through families (ibid., 157), and through international and domestic political and cultural environments (ibid., 27 (note 23), 102-103, and 112-113). He also pins his hope on the role of statesmen (ibid., 97-103 and 112).

The question, then, is whether these corrections will be effective. The qualification of equality among individuals that is necessary to make way for the respect for the competent and the public-minded and for government is not explicitly discussed by Rawls, and thus the first problem that is partly caused by the selfish and radical version of individualism is still undressed. As for the second and the third problems, if the "reasonable" people cannot form a majority of a democracy, under the present arrangement of one person one vote, non-voters' interests can hardly be considered adequately. Unfortunately, it seems that we cannot realistically expect the reasonable people to form a majority. In fact, Rawls himself offers an argument for this impossibility under the institution of one person one vote, which he contributes to the Hegelians and never answers. He writes,

> whereas, so the [Hegelian] view goes, in a liberal society, where each citizen has one vote, citizens' interests tend to

> shrink and center on their private economic concerns to the detriment of the bonds of community, in a consultation hierarchy, when their group is so represented, the voting members of the various groups take into account the broader interests of political life. (Rawls 1999a, 73)

Of course, whether the majority of reasonable people can be formed is open to theoretical and empirical studies. But there is yet another-I consider most fatal-problem with democracy, that is, the fourth problem with democracy previously mentioned. Again, liberal and democratic thinkers such as Rawls see this problem. He also thinks that, in a real- rather than formal-liberal democracy, citizens have to be informed. To achieve this, it is crucial that their basic needs be satisfied and they enjoy education, as well as means necessary to get informed. For example, Rawls points out, "Hegel, Marxist, and socialist writers have been quite correct in making the objection" that "liberties taken alone" are "purely formal".

> By themselves they are an impoverished form of liberalism, indeed not liberalism at all but libertarianism (VII:3). The latter does not combine liberty and equality in the way liberalism does; it lacks the criterion of reciprocity and allows excessive social economic inequalities as judged by that criterion. (Rawls 1996, lviii; also see Rawls 1999a, 49-50)

To ensure a plural liberal democracy that is stable for the right reasons, Rawls proposes the following institutions: "a. Public financing of elections and ways of assuring the availability of public information on matters of policy"; "b. A certain fair equality of opportunity, especially in education and training"; "c. A decent distribution of income and wealth meeting the third condition of liberalism: all citizens must be assured the all-purpose means necessary for them to take intelligent and effective advantage of their basic freedoms"; "d. Society as employer of last resort…" so that citizens can have a sense of long-term security and the opportunity of meaningful work and occupation that are crucial to their

self-respect and their sense of being a member of society; "e. Basic health care assured all citizens" (Rawls 1996, lviii-lix). According to Rawls, failing to establish these institutions will lead to the sorry state of (American?) political reality. He writes,

> When politicians are beholden to their constituents for essential campaign funds, and a very unequal distribution of income and wealth obtains in the background culture, with the great wealth being in the control of corporate economic power, is it any wonder that congressional legislation is, in effect, written by lobbyists, and Congress becomes a bargaining chamber in which laws are bought and sold? (Rawls 1999a, 24, f19).

It should become clear that, for Rawls, the desirable form of liberal democracy is a kind of deliberative democracy. In *The Law of Peoples*, he explicitly expresses this idea: "Here I am concerned only with a well-ordered constitutional democracy … understood also as a deliberative democracy" (Rawls 1999a, 138). Deliberative democracy

> recognizes that without wide-spread education in the basic aspects of constitutional democratic government for all citizens, and without a public informed about pressing problems, crucial political and social decisions simply cannot be made. Even should farsighted political leaders wish to make sound changes and reforms, they cannot convince a misinformed and cynical public to accept and follow them. (Rawls 1999a, 139-140)

In addition the arrangements that eliminate damaging social and economic inequality, clearly, freedom of speech and information and other liberties are also necessary for people to get informed. As Rawls points out, measures such as public financing of elections need to be taken to assure that public information on matters of policy is not distorted by the influence of money, and, in general, to assure the availability of public information, in addition to the formal protection of relevant liberties.

Moreover, the public has to be given an opportunity to digest information available. Otherwise, the availability of information will again become merely formal. For example, political scientists Bruce Ackerman and James Fishkin propose that there should be a new national holiday, the Deliberation Day, when "registered voters would be called together in neighborhood meeting places … to discuss the central issues raised by the campaign. Each deliberator would be paid $150 for the day's work of citizenship…" (Ackerman and Fishkin 2004, 34). Clearly, the days when voters cast their votes should also be national or state holidays.

However, I will argue in the following that these measures-already drastic and radical against the political reality of today's democracies-are still not adequate. These liberal thinkers have a vision of liberal democracy that is at least in one aspect fundamentally republican. That is, in their ideal form of democracy, citizens need to be well-informed and actively participatory and have a form of civil friendship (Rawls 1999a, 137), although the degree of participation in their democracy may not be as extensive as it was in ancient republics such as ancient Rome and those of ancient Athens. Then, a look into the Athenian democracy might help us to see why today's (weaker) republican form of democracy is doomed to fail. First, the success of Athenian democracy was built upon slavery. That is, it was the use of slave labors that freed Athenian citizens from daily work and made it possible for them to fully participate in political matters. But even by using slaves, the adequacy of the political competence of Greek citizens was still challenged by classical writers such as Plato and Aristophanes. Then, how likely is it that the common people in a modern democracy, who need to work hard to maintain their basic living-this is a basic fact of capitalism and perhaps all modern societies that rid themselves of the guilty leisure of slavery, can participate in politics to the extent of acquiring the political competence necessary for a desirable form of liberal and deliberative democracy? It is true that, through mass education, the modern society produces much more educated, white color professionals, such as scientists, engineers, doctors, financiers, teachers, and so on. But what the education gives them is a special craft, and they are consumed by their daily work so as to know little about public affairs or anything outside of their narrow specializations. As Jose? Ortega y Gasset said, they are "learned ignorami" (Ortega 1932, 108-112). In

short, in today's world, the majority of people are still consumed by their daily work, and may have limited knowledge about public affairs or anything outside of their narrow specializations.

To make the problem even more serious, we need to understand that also crucial to the level of political participation in ancient Athens is the fact that Athens was all small in size and in population, compared to most of the contemporary democratic countries. According to many political thinkers, on the issue of what kind of regime a state can adopt, "size matters". Montesquieu offers one of the most powerful arguments for this view. According to him, it is necessary that a democracy be small. No medium-sized or large country can really be a democracy. The reasons he offers are the following.

> In a large republic [which including both democracy and aristocracy], there are large fortunes, and consequently little moderation in spirits: the depositories are too large to put in the hands of a citizen; interests become particularized; at first a man feels he can be happy, great, glorious without his homeland; and soon, that he can be great only on the ruins of his homeland.
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> In a large republic, the common good is sacrificed to a thousand considerations; it is subordinated to exceptions; it depends upon accidents. In a small one, the public good is better felt, better known, lies nearer to each citizen; abuses are less extensive there and consequently less protected. (Montesquieu 1989, 124)[9]

In short, for Montesquieu, a large republic leads to large fortunes. This corrupts the virtue necessary to a democracy. In particular, a person's interest becomes detached from, or even in opposition to, the common good. Moreover, the common good becomes too sophisticated for the citizens of this state to grasp.

One may argue that, for Montesquieu, a large state can be democratic in the form of the federal republic (Montesquieu 1989, 131-132). But what Montesquieu discusses is something similar to the federation of ancient Greek states, a federation still far smaller than most of today's

democracies. Also different from Montesquieu's understanding, the central government of today's democracies is directly elected, and has far greater power than what Montesquieu allows.

One may also argue that the kind of democracy Montesquieu discusses is not the same as the liberal democracy Rawls and others understand. This argument may be true, but this and the previous arguments do not affect the force of Montesquieu's challenge. Put in today's language, we can challenge the likelihood for citizens to be informed in a large state that does not allow the use of slave labors to free its citizens from their daily works by offering the following arguments. First, the overwhelming material wealth in a large state may tempt people away from the civil duty to be reasonable and informed citizens. This requirement of citizens to be reasonable and informed is much more limited than what Montesquieu considers the necessary virtue in a democracy (Montesquieu 1989, 22-26), but it is still very demanding. Second, corporations, especially in the age of globalization, develop interest separate from and even in conflict with the interest of their own states, be it democratic or otherwise. Third, the common good in a large state is so complex that it is beyond most people's willingness or ability to comprehend, and the majority is doomed to be uninformed, however intelligent and well-educated and however willing to participate in political affairs each citizen is. Related to this point, in a small state, people might be acquainted with political figures, whereas, in a large state, the majority of the people cannot judge the quality of a politician through a long-term and close contact with him or her, but can only do so by following all kinds of propaganda, which makes their opinion of the politician easily manipulatable.

In an article by the journalist Robert Kaplan, he offers many examples of failed democracies in the modern and contemporary periods. His analysis of the reason for these failures is similar to Montesquieu's argument (Kaplan 1997), although he presents this kind of argument in the context of modern and contemporary democracies. The solution Kaplan offers is a hybrid regime that combines the democratic elements with paternalistic elements, which, as we will see, is similar to the limited democracy that is suggested by Confucians. In a recent article by the political scientist Russell Hardin (2002), he discusses "three devastating

theoretical claims" in postwar public choice theory, made by Kenneth Arrow, Anthony Downs, as well as Mancur Olson, that are "against the coherence of any democratic theory that is conceived as even minimally participatory, collectively consistent, and well-informed" (2002, 212). Hardin develops these claims "by relating them and, in particular, by subjecting them to an economic theory of knowledge" (2002, 213). Two crucial arguments he makes in this paper are: first, each person's vote doesn't really matter; second, to be informed is rather demanding, perhaps much more so than we usually think. If we put these two arguments together, the implication is that, if they are rational, voters have, or they should have, very little interest to vote, let alone getting informed. The first argument is partly a result of the fact that today's democracies–even on the scale of the state of New Hampshire that has about a quarter of a million voters–are too large for one single vote to matter. This is because even if there is one vote difference after we count all the votes in a large state, "merely for practical reasons of the impossibility of counting votes accurately", we still cannot say for certain which side wins, and other means have to be used for us to make this judgment (Hardin 2002, 220).[10] To understand this point, we only need to be reminded of the fact that, during the Florida recount in the 2000 election, the matter had to be resolved by the Supreme Court. The second argument also has something to do with the fact of the size of today's democracies, as their large size makes the price of getting informed unbearably high. Thus, we can consider Hardin's thesis as yet another contemporary development of Montesquieu's. If all these thinkers are correct, then it is simply impossible for the majority of voters to even come close to meet the pre-conditions of a meaningful democratic participation.

On a more sympathetic note, all the previous problems aside, some citizens may prefer other obligations and interests-such as family obligations or scientific or artistic pursuits–to a time–consuming involvement in politics. These citizens may choose to remain politically indifferent. This choice becomes increasingly sensible when the political matters become too complicated due to the size of the state and the fact that the modern citizens don't enjoy the guilty luxury of the ancient Greeks who forced the slaves to do their daily chores. Unlike the ancient republican form of democracy, a contemporary liberal democracy should let these

voluntarily non-participating citizens be. However, there should also be a mechanism that prevents the indifferent citizens from having too much a voice in political matters.

In *Political Liberalism*, Rawls points out five facts of democratic society, which lead to his consideration of the central problem: how a plural yet stable liberal democracy is possible (1996, xxvii, 36-38 and 58; also see 1989, 474-478). We can then add an additional (sixth) fact of modern democracy (or a group of facts). First, human beings have a tendency to fall back to their self-interest, which is encouraged by one person one vote. Second, some citizens choose to remain politically indifferent to many political matters. Third, modern democratic states are in general so large that it makes it impossible for the majority of the citizenry to be adequately informed, however hard both the government and the individuals try. The causes of this impossibility are, first, due to the size of the modern states and the noble rejection of slavery, to be informed is a burden that most citizens' intelligence, education, and willingness cannot bear; second, the population of modern states renders a single vote practically meaningless; third, the material wealth and the power of big corporations run free and wild, and they destroy the motive of the elite to devote themselves to the common good and distort information. The sixth fact seems to suggest that the Rawlsian liberal and deliberative democracy, or liberal and deliberative democracy in general, in which every citizen participates in an equal manner and in the form of one person one vote, is impossible in the modern world where each state is simply too large.

3. The hybrid regime of Confu-China and its superiority

Next, I will present a Confucian form of ideal government-I call it "Confu-China", which, as we will see, can address the four problems of democracy better than the present democratic regimes with all their possible internal revisions. I have argued elsewhere that this government is what a Confucian would endorse and promote,[11] and, given the focus of this volume, I won't repeat the arguments here. I will offer a framework of this government in the following.

First, the rule of law and human rights are endorsed and firmly

established in Confu-China. The possibility and necessity of this endorsement have been discussed elsewhere.[12]

Second, in Confu-China, the government is considered to be responsible for the material and moral well-being of the people. It is responsible for making it possible that average citizen has their basic material, social or relationship, moral and political, and educational needs met. On the issue of material needs, economic inequality is contained, following Rawls's own "Difference Principle" (Rawls 1971, 60-62 and 78-83). On the issue of education, in addition to theoretical and technical knowledge, the government is also responsible for offering citizens civic education. The goal of civic education is to make citizens understand the following: each citizen should have compassion for others and maintain proper relationships to them; the role of the government is to maintain the material and moral well-being of the people; the politicians in the government should be those who are morally and intellectually superior–morally superior in the sense that they are willing to extend their compassion to all the people who are within his or her power to help; if the politicians are indeed morally and intellectually superior, they should be respected by the common people; the right to participate in a certain political matter is inseparable from one's willingness to consider the common good and one's competence at making sound decisions on this matter. To satisfy the moral and political needs of each citizen includes satisfying his or her need to participate in politics. Then, in addition to offering the aforementioned education, if a citizen is interested in and has potential of participating in politics, the government should offer all means necessary–for example, the freedom of speech that makes it possible for people to be informed, place and time (for example, "deliberation days") necessary for political discussions and voting, etc.

As argued in the first and second sections of this paper, the government and the competent and virtuous that run the government should be respected. Some democratic thinkers may accept this, but this is built into Confucianism, making Confu-China more firmly equipped with dealing with the first problem with democracy. A fact noticed by many is that, in America, politicians often pretend to know less than they actually do, while in East Asia, with its Confucian influence, politicians often pretend to know more than they actually do. Of course, faking to know is not

what we want, but, at least, faking in the right direction may help the coming into being of the desirable reality. We can reveal his lie if a leader fakes his educational background, thus encouraging other leaders to become truly learned. But if, in a culture, to have knowledge and experience is considered hurting political qualifications, no hope is left for improvements.

The treatments with other problems of democracy by democratic thinkers are also endorsed and heartily promoted by Confu-China. Indeed, the Confucian education may be more adequate than the democratic ones because, as I mentioned, the democratic hope lies in a form of civil friendship, which becomes impossible when the population is large, while the Confucian education emphasizes on compassion that is targeted at strangers.

But as I argued in the previous section, these arrangements, even with the further revisions in Confu-China, are not adequate. This leads to the third arrangement of Confu-China that departs from the "internal" solutions today's democratic thinkers would endorse. Firmly asserting that the service to the people offers legitimacy to a state, but understanding the limit of the aforementioned arrangements to improve people's morals and informed-ness, the Confucian would be in favor of a hybrid regime that introduce and strengthen the role of the competent and moral "meritocrats", in addition to the institution of one person one vote. The necessity and the superiority of this regime to today's democracy come from the aforementioned sixth fact of modern democracy. That is, as we will see below, since the meritocrats are not swayed by votes, they might be on the side of long-term or minority interests when there are conflicts between short-term and long-term, or majority and minority interests, and they might maintain stable, long-term policies.

Confucians think that the voting right (right of political participation) should be based upon (intellectual, moral, and political) competence, and the sixth fact of modern democratic society means that many citizens are not capable of making sound judgments on many political matters. Through civic education, we hope that these citizens should willingly stay away from the decision procedure on these political matters, when they cannot quickly improve his or her competence on these matters. At the same time, we should have more institutional arrange-

ments that help to prevent the incompetent citizens from having too much a voice in these political matters. Based upon this consideration, following arrangements are made in Confu-China.

First, we should see that a main reason for people not to be informed is that modern states are often way too large. But on communal and local (neighborhood and town) matters–for example, which local policy or which local leader benefits them the most, almost any local resident knows them better than officials in the distant central government. Since the matters dealt with here are daily affairs most relevant to residents, it is likely that they are willing to pay attention to them, rather than staying indifferent. It is also likely that the private interests of local residents can be checked by local governments. Therefore, the preconditions for the sixth fact to hold don't exist in a small community. This means that all residents should be allowed to participate in local affairs, the ways of participation can be electing local officials through one person one vote, or directly voting on important matters.

A difficult problem here is which matters should be considered local. For one thing, although some educational matters should be handled locally, according to Mencius's philosophy, the central government should offer a general and obligatory guideline of education. For another, if certain national policies are closely affecting local affairs, and the populace can make sound judgments on them, people should be allowed to participate, and these matters can be decided by referendum. A general problem is that how large (how many people) a community has to be in order for its complexity not to be beyond the comprehension of its people, and the answer to this problem will determine the size of "local community". These questions need to be answered empirically, and cannot be answered by armchair philosophers. But a philosopher can offer a general principle: how much democratic participation depends upon how likely the participants are able to make sound decisions that are based upon public interests.[13]

Second, when we are dealing with matters beyond those of a small community, the preconditions for the sixth fact of modern democracy are met, meaning that it is likely that citizens are indifferent to many of these matters, and they lack capacity of making sound judgments. We should then introduce arrangements to limit the influence of popular will on poli-

cies. There are many ways to achieve this restriction. For example, at each higher level, each voter has to take a class and participate in discussions, or take a test specially designed for this level before he or she can be allowed to vote. Different weights may be given to their votes based upon their performances in class or in the test, or based upon their educational levels, social and political roles, and other relevant factors.

Another, perhaps more practical and manageable arrangement is this. At a higher level, in addition to the elected branch, there can be additional branches of the legislature that are used to check the popular will. Let's call the former branch the lower house or the house of people, and the latter the upper house or the house of the learned and experienced (or "senators" in its original sense, that is, "elders").[14] From the name of the latter branch, we can see that this branch or these branches consist of the learned and the experienced ("elders" or "senators"). Let me first discuss how the experienced are selected. Since the local officials of the most basic level who are directly elected are freed from specialized jobs and exposed to policy-making on a local level that is often connected with policies on higher levels, they are then likely to be capable of participating in higher-level affairs that are beyond the grasp of the common people. If they have done good jobs in local affairs, but have been retired from decision-makings on these affairs, these experienced officials can then become members of the house of the experienced of a higher level. The house of the experienced can also include those who have done well in areas related to politics and wish to devote themselves to public affairs, such as industry leaders, scientists, organizers of local NGO's (non-governmental organizations, such as environmental groups, groups for minority affairs, and unions), etc. From this level up, members of the houses of the experienced on higher levels may come from the experienced "elders" who retire from the government on the same level as the one on which the house of the experienced in question is, or from the houses of people and of the experienced of one level lower, and they are selected either through recommendations of some form or internal elections. In other words, houses of the experienced of different levels adopt leveled, internal elections or recommendations.

To be clear, this leveled model is different from a representative democracy in that the local officials who enter a higher-level government

are not representatives of local interests in the higher-level government, but are those who are capable of participating in the policy-making on a higher level. However, these officials, even if they are free from specialized jobs, may not be free from special interests, especially the immediate material interests of their constituencies, if they are subjected to frequent elections by the local people (as is the case in a representative democracy). This is what often happens in the American congress, and an obvious example is the various infamous earmarks or pork barrel projects in which congressmen or congresswomen have the federal money spent on petty projects in their own districts. Oftentimes, these projects force the federal money to be spent not in districts that desperately need it, but in the districts the politicians from which are best at bargaining and manipulating through material interests and threats. But for a Confucian, popular participation is not a way to find consensus of people's short-term interests, and politicians should not be the mere mouthpiece of these interests. To free politicians from the control of special interests is a reason that the house of the experienced consists of those who are not directly subject to local popular elections anymore.

The other element of this house or another branch of the legislature is the learned. In his recent works, Bell offers the following model. Central to this model 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 [later called the Xianshiyuan]" (Bell 2006, 267). When there is a conflict between these two houses,

> The "Confucian" solution might be to strengthen the *Xianshiyuan*, for example, by means of a constitutional formula providing supermajorities in the upper house with the right to override majorities in the lower house. The Head of Government and important ministers could be chosen from the *Xianshiyuan*. Most significant legislation would emanate from the *Xianshiyuan*, with the lower house serving primarily as a check on its power. (Bell 2006, 271)

We can make the following revisions and developments on the basis of this model. Governments that are on a level higher than the most basic level (the government of which is directly elected) can have their own house of the learned (and the experienced) of the legislature branch. The learned are those who are first selected by exams to attend "magnet schools", and are then selected through further exams. This is similar to the situations of *keju* 科举 in traditional China where the literati obtain titles of different levels which may lead to different positions in the government by passing exams on corresponding levels. Some might be suspicious of this attempt that apparently revives *keju*. But we should see that the *keju* system is in many ways similar to the Western civil servant systems that are widely used today, and the limits of keju often come from the subjects of the exams and the means to conduct them. In the cultivation and selection of the learned, we can take advantage of educational resources of various levels, and require the potential candidates to study humanities (including both Chinese and Western classics) and sciences. Each member of the learned may have a specialty, or we can select the learned from different fields that are needed for policy-making and legislation. Moreover, in order to prevent them from being merely book-smart, they also have to go through a series of practical trainings and obtain working experiences, in addition to passing exams.

As we have already seen, traces of the selection of the learned can be found in the *keju* system in traditional China, and traces of selecting the experienced, especially through recommendations, can also be found in traditional China, especially during the two Han dynasties (206 B.C.-220 A.D.), in the form of "recommending the filial and the uncorrupt" (*ju xiao lian* 举孝廉). In fact, in the Han recommendation system, promising students were first selected to the imperial college (t*ai xue* 太学), those who did well in studies and exams were then sent to local governments, and those who did good works in their governmental jobs were eventually recommended for higher offices. Thus, this recommendation system is actually a mixture of the two selection procedures (by experience and by exams) that were discussed above. The existence of this mixture tells us that perhaps some combinations of the two selection procedures may be more effective. Generally speaking, the fact that we can find traces of the selection procedures discussed here in traditional China shows that,

in spite of our philosophical approach, our designs here are not baseless contemporary inventions that disregard traditions, but are rooted in the Chinese political culture and philosophy, in particular, Confucianism (or the kind of Confucianism that incorporates into itself the Legalist Han Fei Zi's considerations of institutional designs). The resonances between our designs and political mechanisms in China's past suggest that we may obtain many insights on how to design the selection procedures by studying various selection procedures in traditional China.[15]

Whatever the details of the designs of the upper house may be, it is clear that these arrangements of different branches of the legislature de facto reduce popular will to the role of consultation, and give more power to the relatively knowledgeable, experienced, and compassionate. It is a government for the people, but not purely by the people; rather, it is only partly by the people and partly by the competent people.

4. Answers to challenges to the superiority of Confu-China

In the following, I will consider a few objections to the designs of the upper house. By answering these objections, I hope to elaborate on the designs of the upper house and the reasoning behind them. The first objection is this. The introduction of the upper house in such a manner may breed resentment of the disenfranchised that will threaten the stability of a society.[16] In comparison, an important function of democracy is precisely to give people a sense that the legitimacy of the state and the government lies in the approval by the people, so that people will support the state and the government full-heartedly. My answer to this objection is the following. First, as is already shown, it is crucial to the Confucian version of democracy that people be instilled, through civic education, with a sense of respect for excellence and acceptance of the rule of the wise and virtuous so as to willingly abdicate their right to participate when they consider themselves incompetent. Chinese peasantry in the past and many Western–especially American–voters before the age of populism and cynicism had respect for the authority, and they didn't find it unacceptable that the experienced and knowledgeable have more authority. This fact shows the power of education and culture. Second, in

Confu-China, the government bears the responsibility of educating everyone, and the exams are open to everyone. This may lessen the feeling of disenfranchisement and resentment. Third, legislatures of every level still have a popularly elected branch.

An objection related to the first objection is that some might argue that the rule of the wise or paternalism will make the people who are excluded from politics more and more incompetent, thus artificially perpetuating the distinction between the ruler and the ruled. This is perhaps another reason that those who believe in democracy resist hierarchy and paternalism. To understand this objection, let's take a look at John Stuart Mill's account on this problem. He warns the danger of paternalism in his criticism of the idea that, "if a good despot could be ensured, despotic monarchy would be the best form of government" (Mill 1958, 36).[17] According to Mill, even if this good despot could take care of everything for the people (which is nearly impossible), his paternalistic actions would chain up the free agency of his subjects and thus perpetuate their incompetence. This is like the situation where the children tend never to grow up when the parents are over-competent and try to take care of everything. In contrast, popular participation offers the best civic education of the people, leading their vision to go beyond their selves (Mill 1958, 36-55). From the discussion of the sixth fact of modern democracy, however, we should see that Mill's expectation of the educational function of popular elections may have been overly optimistic. On the contrary, only with popular election, the voting public may retreat to their narrow and often misguided private interests.

On Mill's critical note, I should first point out that Rawls offers a similar argument in his earlier work *A Theory of Justice*. He first defends plural voting (i.e., "persons with greater intelligence and education should have extra votes,"), an arrangement different from one person one vote and, interestingly, an idea Rawls traces back to Mill:

> The political liberties are indeed subordinate to the other freedoms that, so to say, define the intrinsic good of the passengers [in a metaphor, Rawls compares the state with a ship and people with the passengers]. Admitting these assumptions, plural voting may be perfectly just. (Rawls

1971, 233)

Immediately after making this argument, he criticizes this arrangement, and his criticism is similar to Mill's criticism of paternalism. He states that the participation of all citizens "lays the foundations for civic friendship and shapes the ethos of political culture" and "enhance[s] the self-esteem and the sense of political competence of the average citizen" (Rawls 1971, 234).

In response, we can see that, in Confu-China, popular participation is still preserved. It is just that the check by the elite is added to the decision-making. More importantly, although Mencius and other classical Confucians didn't discuss the civilizing role of mass participation, a Confucian can nevertheless happily recognize this role. Moreover, Confucians may even recognize the practical and psychological benefit of making people feel involved as a member of the state through mass participation in the age of democracy.[18] As Bell points out, even in today's China, "the symbolic ritual of free and fair competitive elections – even if the people's views have minimal impact on actual policies"–has to be recognized (Bell 2006, 273). All these considerations give us additional reasons for Confu-China to preserve popular elections, although, at the same time, different from Rawls, Confucians may also be concerned with the possibility that, through this civilizing process, people may grow overconfident, thus losing respect for the wise and the virtuous. Moreover, in Confu-China, exams and experiences are introduced as the basis for voting rights in the case of certain political matters and for the membership of certain branches of the legislature, but these exams are open to the public and the government has the responsibility to offer any means necessary for citizens to be educated and to participate in politics. Even if people fail to pass or choose not to take the exams, the door will be always open when they change their mind or improve their competence. That is, unlike what is criticized by Mill, this hierarchy is not fixed. On the contrary, it encourages upward mobility. As a famous line of an ancient Chinese poem (exaggeratingly) says, "one can be a farm boy in the morning, but come to the emperor's court in the evening" (朝为田舍郎，暮登天子堂). This mobility may also dispel possible resentment of the disenfranchised against the powerful elite. When discussing the

keju system that can be considered a forerunner of the selection mechanism we discuss here, the historian and philosopher Qian Mu (钱穆) argues, it "can fundamentally eradicate the social classes…… [and] can cultivate people's interest in politics and strengthen their patriotism" (Qian 1996, 405-406). We can see here that these arrangements by the Confucians have an intention similar to the popular participation in a democratic regime. Clearly, the rule of law has to be enforced so that there is no perceived unfairness in this mobile hierarchy.

Another sensible objection is that the learned and the experienced don't always make good decisions. This may be a sensible one. But we should see that the reason we need the branch of the elite is the recognition of the sixth fact of modern democracy. In other words, the introduction of popular election in history was to prevent few noblemen from controlling political decision-making process and using public resources for their own gains, and mass participation was a good check of pure aristocracy. But a grave problem of today's democracies is that what was meant to be a correction of aristocracy has gone to the other extreme, and it has given too much voice to blind popular will. Therefore, we need to reintroduce the good aspect of aristocracy, that is, "aristocracy" in its original sense, the rule by the excellent (at both knowledge and morality), and use it to check the excesses of democracy, hoping to achieve a more desirable middle ground between these two systems, rather than pinning our hope for good governance on the conscience of members from either side. Some might agree with me on this point, but might argue that, considering the fact that China (or other not-yet-democratic countries) is not democratic yet, perhaps we should use the promotion of popular elections as a more effective means to achieve the desirable middle ground of limited democracy. But as the path of democratic countries in the recent past has shown us, oftentimes, we often cannot stop at the desirable middle, but slide helplessly and hopelessly to the extreme which we wished to use merely as a corrective. Even if we put aside this possibly controversial empirical observation, the democratic promoters should at least be aware of what the ideal state is. Besides, even if the branch of the experienced and learned didn't directly improve the quality of policy-making, its existence can be taken as a civic education, thus indirectly improving the quality of policy-making. That is, the existence of this branch makes

people aware of the idea that political participation is not an inborn right, but is based upon competence and has moral requirements. Mill and Rawls are correct to say that political participation offers opportunity of civic education. But when participating, common people are also helped by looking up to the exemplary people and institutions. They offer role models for people to participate in politics. As Confucius says, "Governing by virtue is like the north polar star, which remains in its place while all the other stars revolve around it" (2.1 of *The Analects*; for an English translation of the *Analects*, see Lau 2002). The role of civic education by the upper house, the house of the experienced and learned in Confu-China, enriches the educational role of mass participation discussed by Mill and Rawls. In short, as long as we don't hold a radically pessimistic attitude (an attitude some mystical or Christian thinkers might have) that denies any positive role of reason and virtues in decision-making, we should see that the upper house might improve government.

Some might object that, not only do not the elite often make good decisions, but they often make bad decisions. Thus they shouldn't play the role of check and balance. The basis for this argument is that the rule by the elite often falls victim to the interest of the elite class. This worry is a sensible one. To prevent this from happening, we hope that the moral education of the elite may play some role. More importantly, some institutional arrangements should be made. A key is that we must establish a respectable and stable rule of law that regulates the elite branch and use the house of people to check the former branch, so as not to let the elite establish laws at their own will to benefit themselves or their associates. Another mechanism to prevent the elite from serving their own interests is that each branch has to have a significant number of members, so that it is hard for the elite to form a unified interest group. Another reason to suspect that the elite will make bad decisions is this. The sixth fact of modern democracy presupposes that the populace in a large state can easily be misled by interest groups. But perhaps to mislead a small circle of elite is practically even easier than misleading millions of people.[19] This might be the case, and I can only give an imperfect answer. We need empirical evidence for this claim, and, until we have it, we can at least hope that the ruling elite who are wiser, more experienced, more virtuous, and with better conditions (time, assistance, etc.) are less susceptible

to mis-information than the populace.

I believe that the regime of Confu-China is applicable to all states. The account of it is not only theoretical, but also is meant to be practical. However, whether the ideal can be actualized depends upon the mainstream culture of each state. In the U.S., where most people take one person one vote as something sacred and any challenge to it simply as outrageous,[20] the regime of Confu-China may only be established through skillful disguises. But in emerging democracies and democratizing countries, the idea of the regime of Confu-China might be spread in its original form. Besides, the design of Confu-China might also help the democratization process of pre-democratic countries. This is because a problem with recently democratized countries is that, among them, there are many populist governments. The chaos these governments create not only make their own citizens suffer, but also make people in pre-democratic states resist democratization. For example, much of political turmoil in Taiwan is often taken as a product of a populist government, and the lack of education and other conditions makes many who desire democracy think that it is not feasible to the present situations of today's China. But the regime design of Confu-China, especially its limited or restricted form of democracy, might help us to get around these obstacles. More importantly, the previous discussions might help us to see clearly the truly desirable elements of liberal democracy, thus offering guidance to the democratizing process. These discussions, simply put, show that liberties (rights) and the rule of law might be the gem of liberal democracy, while popular election might be what is problematic. People often believe that liberties and the rule of law on the one hand, and popular election on the other are inseparable from each other, but this view is verified neither theoretically nor empirically. If the two parts are separable, a very simple summary of the above discussions in dealing with democratization is that liberties and the rule of law should come first, and a limited form of democracy should come second.

Lastly, I will discuss some objections to the arguments in this section that are based upon observations of political reality. First, one could argue that what is truly superior in the American regime is its rule of law and bureaucratic (elite) system, and one person one vote doesn't really matter. Moreover, one person one vote only gives people a sense of

imagined equality, and this can be seen from the fact of the disproportionally high number of rich and highly educated people in American congress. In other words, although there are no explicit arrangements like those in Confu-China, the U.S. is a de facto regime ruled by the elite. I agree on this evaluation. But I believe that, even if what popular election gives people is an imagined equality, it still gives too much power to the popular will in its influence on politics and the ruling elite. Therefore, I insist that elitism or meritocracy should "come out of the closet", becoming a proud part of liberal democracy and culture. Some of the American founding fathers actually had some "elitist" designs, but perhaps because they were not explicitly made, gradually, these elements have disappeared. Not to repeat this history, we should make the meritocratic elements explicit.

The "elitist" design of Confu-China is to give more power to the politically motivated, compassionate, and competent people, and check the influence on politics by those who are politically indifferent, narrow-minded, and incompetent. Some might ask why we cannot leave it to "natural selections". Those concerned with politics naturally wish to push for their ideas. From American political reality, however, this hope might be overly optimistic, when we see the result of "natural selection" is the rise of the extreme, the issue voters. On surface, they are the opposites to the political indifferent in our discussion of the sixth fact of modern democracy, but, in reality, they adopt the same kind of attitude of political indifference and have the same kind of political ignorance as those apparently politically indifferent and ignorant. For they are concerned with but one issue, refuse to discuss it with others, and indifferent to or ignorant of other issues. They actually offer a supporting example to the sixth fact. Another challenge that is based upon observations of reality is about the failure of the Iranian model. Today's Iran also tries to combine democratic election with the rule by the (religious) elite. Of course, an obvious answer to this challenge is that the choice of the elite in Iran is based upon the religious expertise that might be politically irrelevant. But this answer needs to be scrutinized further.

It should be acknowledged that many observations of democracy in this chapter are based upon American political reality. But whether this reality is peculiarly American or is world-wide can be debated. In par-

ticular, we need to refer to political scientists for their theoretical and empirical studies of whether Western European and Japanese democracies suffer from the problems caused by the sixth fact of democracy.

5. Confu-China: not a rejection, but an improvement of liberal democracy

Confu-China is a correction of present liberal democratic regimes, but many who favor democracy may still consider this idea radical. I will show in this section that it is really not. As we see, in practice, a key difference between Confu-China and a liberal democracy is that the former indirectly restricts one person one vote and leads to some sort of political inequality. But, as has been discussed, is one person one vote so essential to liberal democracy? Of course, according to Rawls, reasonable citizens in a liberal democracy should view one another as free and equal. But in his works, there is little mentioning that one person one vote is an expression of equality. Only in his discussion of the decent consultation hierarchy does Rawls seem to express a belief that one person one vote is an essential element to liberal democracy (Rawls 1999a, 71). However, in the *Law of Peoples* (LP), he explicitly excludes the "right" to equal political participation from the basic human rights, an exclusion criticized by many.[21] This suggests that this right is not as important as what he considers basic rights. In fact, as we see from his discussion of plural voting in *A Theory of Justice* (TJ), he doesn't seem to think that the violation of one person one vote is in conflict with liberal democracy, although, as is mentioned earlier, he defends it (or some form of popular and equal involvement in politics–he doesn't explicitly say that this involvement is in the form of one person one vote) on the ground that it encourages civil friendship, self-respect, and competence (Rawls 1971, 233-234).

In fact, as discussed in the previous sections of this paper, both Confu-China and Rawls believe that political participation presupposes proper education and being informed. Theoretically, the only crucial difference between them is that the former recognizes the sixth fact of modern democracy, and offers a more realistic treatment of this fact. With regard to the de facto political inequality, if we follow the rationale of

Rawls's difference principle in TJ that economic inequality can be accepted if the least advantaged are benefited (Rawls 1971, 75-83), why can't we have a difference principle in politics (I will call it the political difference principle): political or electoral inequality (in terms of voting power) can be accepted if the least advantaged are benefited? Interestingly, after pointing out problems with contemporary democratic societies and offering the hybrid regime as a solution, the journalist and political commentator Kaplan points out,

> According to Aristotle, "Whether the few or the many rule is accidental to oligarchy–the rich are few everywhere, the poor many".[22] The real difference, he [Aristotle] wrote, is that "oligarchy is to the advantage of the rich, democracy to the advantage of the poor". (Kaplan 1997, 80)

From this he argues that perhaps the hybrid regime he discusses is real democracy, while modern democracies have degenerated or will soon degenerate into de facto oligarchies. Similarly, we can say that perhaps Confu-China is real democracy.

One may object to this line of reasoning by arguing that the first principle of justice is the principle of equality, and some of the arrangements in Confu-China violate equality.[23] However, according to Rawls, the first principle reads, "each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty of others" (Rawls 1971, 60), and the political liberty, one of the basic liberties, means "the right to vote [but not the right for each vote to be counted equally–my note] and to be eligible for public office" (ibid., 61). As we already saw, in Confu-China, the democratic branch is still preserved, and the selection for the branch (es) of the experienced and the learned is also open to the public (though not in the form of direct election). Indeed, the government is responsible for promoting the upward mobility of common citizens to participate in politics and in the activities of the "non-democratic" branch (es). Besides, other aspects of equality are well preserved in Confu-China. In short, the political difference principle embodied by some arrangements in Confu-China may be in a minor, if any, conflict with Rawls's requirement of equality that is expressed in the first principle of justice.

There is yet another way to see the relation between Confu-China and the Rawlsian liberal democracy. If we follow Rawls's idea that there is an analogy between what is within a people and what is among different peoples, we see that this analogy actually breaks down in Rawls's own later philosophy.[24] That is, in his theory, domestically, a liberal people consists of free and equal citizens and its majority is reasonable. Internationally, however, he never asserts that well-ordered peoples–the only peoples that are reasonable–must be the majority. The well-ordered peoples actually possess a higher position than other peoples, and thus Rawls introduces a de-facto hierarchy of peoples on the international level. In contract, the regime of Confu-China carries out the analogy much more nicely. Its domestic hierarchy corresponds to the hierarchy of peoples: the informed and compassionate play a justifiably larger role in domestic politics, just as the well-ordered peoples play a justifiably larger role in international politics. Of course, the percentage of incompetent citizens over all the citizens of a state might be higher than the percentage of not well-ordered societies over the totality of all societies. Many cosmopolitan liberal thinkers criticize Rawls for not being able to carry over his approach in TJ that deals with domestic case to the international case, and argue for a consistent approach to both the domestic case and the international case that is based upon his handling of the domestic case.[25] I argue for a consistent approach to the opposite direction: to carry his approach to the international case over to the treatment of the domestic case. Then, where do we put Rawls's liberal people in my "backward" analogy? The liberal people and its corresponding international society of liberal peoples can be taken as a domestic ideal and an international ideal.

In addition to the above formal comparisons, from a more substantial perspective, Confu-China actually develops Rawls's ideas, deals with problems Rawls doesn't deal with, and offer more realistic solutions to the problems with which Rawls is concerned. As is implied by the third fact of democratic society (Rawls 1999a, 38), his version of liberal democracy presupposes that at least a substantial majority of citizens have to be reasonable, and he doesn't discuss how to deal with the situation in which the unreasonable people may constitute the majority or a substantial minority in a society. He has a good reason to make this presupposi-

tion. That is, we have to solve the problem of the stability first in the ideal situation in which the majority of a society consists of reasonable people who nevertheless hold conflicting and irreconcilable comprehensive doctrines. Then and only then can we deal with the problem in a more realistic situation.[26] However, if we accept the fact that no real-world liberal democracy has a majority of reasonable and informed citizens, then liberal peoples as Rawls understands simply don't exist. In contrast, Confu-China deals with the problem about the relations between reasonable and informed citizens and unreasonable, uninformed, or indifferent people. To be clear, my focus is not about Rawls's failure to offer a proof of the desirability of liberal democracy, as some people might be concerned with. On this alleged failure by Rawls, I share Burton Dreben's view, expressed in a response he offered to someone who asked a question about the justification for liberal democracy (Dreben 2003, 328-329). Rather, my concern is that, if, due to the sixth fact, this ideal of liberal democracy is too utopian, can we have a regime that deals with this fact that is nevertheless in line with many of the Rawlsian ideals? I argue in this paper that Confu-China might fit the bill. Moreover, as is pointed out in the previous section, Confu-China tries to deal with many practical problems, such as Social Security, international aid, domestic and international human rights, which Rawls is deeply concerned with (Rawls 1997, 773), and the difference between Confu-China and Rawls's ideal liberal democracy is that the former doesn't believe that these problems can be solved within the regime of the latter, but needs the corrections of regime adopted by Confu-China.

If what we argue in this chapter stands, we then show the vitality of Confucianism in designing an ideal regime. In other words, Confucianism as a political philosophy still has a broader function than educating the rulers. Facing with the challenges of contemporary dominant political values, Confucianism doesn't have to retreat to the area of ethics or some "Confucian reservations". Confucianism-based Confu-China doesn't reject liberal democracy, but is a development of it. It deals with the sixth fact of modern democracy which other liberal democratic thinkers fail to deal with adequately. In his LP, Rawls calls the regime he designs a "realistic utopia". To establish a realistic utopia is the difference between a political philosopher and a politician (the former being

more utopian), and between a political philosopher and a mere dreamer (the former being more realistic). But from the point of view of Confu-China, Rawls fails to deal with some realistic factors which need to be dealt with even in an ideal design. Therefore, using Rawls's terminology, we can say that Confu-China is a more realistic utopia than Rawls's design of liberal democracy.

Endnotes

[1]This paper is closely based upon Chapter 3 of Bai 2009, especially the English and revised manuscript of this chapter. The reader doesn't have to read Section 5 if he or she finds this paper too long, for this section is to argue that the form of meritocracy proposed in this paper is not that radically different from Rawlsian liberal democracy, a topic not closely associated with this conference.

[2]From a House of Commons speech in 1947, according to http://en.wikiquote.org/wiki/Winston_Churchill (accessed on 11/29/2011).

[3]For some examples, see Kaplan 1997 and Zakaria 1997. A lot of academic researches have also been conducted on the relations between democracy and growth, democracy and corruption, and democracy and ethnic violence (I thank Tianjian Shi for calling my attention to some of these researches). For example, the political scientist Jonathan Krieckhaus has shown that democracy has a negative effect on economic growth in the 1960s and should have a negative effect in Latin America (although it has a positive effect on growth in the 1980s and should have a positive effect in Africa) (2004 and 2006). Daniel Treisman (2000) shows that the perceived corruption is influenced by many factors, and whether a country is democratic or not is only one of them. Moreover, with regard to the effect of democracy on perceived corruption, a country has to have been democratic for *decades* in order for democracy to have a significant but *relatively small* effect on perceived corruption. Steven I. Wilkinson (2005) shows a complicated picture of the relations between democracy and ethnic violence in India, while Daniel Bell (2006) shows that, oftentimes, democratization leads to an increase of ethnic violence.

[4]For a more detailed account, see Ackerman and Fishkin 2005. There are also numerous popular accounts of the lack of basic political knowledge among Americans. For a recent one, see Kristof 2008.

[5]See Chan and Chapter 2 of Bai 2009.

[6]An almost identical passage can be found in Rawls 1999a, 136, and a similar passage can be found in Rawls 1996, 49. See also Rawls 1999a, 86-88 and 177-178.

[7]See Rawls 1996, xxxix-xliii and 146-150 and Rawls 1999a, 149-150 and 168-169.

[8]We should consider, based upon this distinction, whether many "liberals" in China are liberals in Rawls's sense or libertarians.

[9]Jean-Jacques Rousseau agrees with Montesquieu on this issue, and offers similar arguments. See his dedication "To The Republic of Geneva" in his *Discourse On the Origin and Foundations of Inequality among Men* (Rousseau 1964, 78-90) and Chapters 3 and 4, Book 3 of his *On the Social Contract* (Rousseau 1978, 83-85).

[10]This impossibility may be a mathematical impossibility: the statistical error of counting a large number of votes is too significant for one vote difference to be considered meaningfully determining the outcome. I thank Qian Jiang for pointing this out to me.

[11]Bai 2009, Sections 1 and 2 of Chapter 3.

[12]Bai 2009, Chapters 2 and 4 and Section 5 of Chapter 3.

[13]The treatment of local affairs in Confu-China is different from what is practiced in today's China in that, first, village (local) elections should be free from interventions of higher officials; second, on this level, popularly elected government should be the only executive branch; third, basic liberties and rights should be effectively protected by law; fourth, there are popularly elected elements in governments and legislatures of higher levels, meaning that elections should not be restricted on the village or town levels; fifth, certain national issues should be open to referendum. None of these is satisfactorily done in today's China. Another challenge to local elections in China is that village elections in some parts of China have led to the monopoly and abuse of powers by powerful village clans or strongmen (I thank Zhang Qingxiong (张庆熊) for pointing this out to 钱穆me). This fact can challenge the arguments in this paragraph. I suspect that the rule of law, protection of rights and liberties, and more democratic elements on every level of the government might eventually correct these abuses. But this is something that needs to be treated by political scientists as well as political philosophers.

[14]Obviously, in today's democracies, especially in today's American context, these names themselves would likely doom the latter branch to failure, because "people" is often taken as a good word by the people, while "learned", "experienced", "elders" are words of ridicule. I use these names because they express the intentions of these branches, and I will leave it to the politically savvy to come up with better names for these branches. Perhaps, for political purposes, we should use "the lower house" and "the upper house" or simply "the senate" only.

[15]The late Chinese historian and philosopher Qian Mu offers many detailed, subtle, and insightful analyses of political arrangements in traditional China. See, for example, Qian 1996 and 2005.

[16]I wish to thank Daniel Bell and Qian Jiang for pointing out this problem to me.

[17]Mill's choice of words is rather curious. The "despotic monarchy" he refers to is actually what we usually call "benevolent absolutism" or "enlightened absolutism", and the despot he talks about is what we usually call a benevolent or enlightened monarch. He uses "despotism" and its variants perhaps in order to lead,

through rhetoric, his readers to feel repelled by this kind of regime.

[18]Based upon some field works in Indonesia, Benjamin Olken arrives at the following conclusion: although direct participation doesn't lead to policies significantly different from those adopted without mass participation, yet people in the former situation feel far more satisfied with these policies (Olken 2008). One might dismiss democratic participation as cynical manipulation. But we shouldn't ignore the significance of democratic participation, even if it lies chiefly in psychological satisfaction. After all, the goal of a good state is to make people happy, and happiness does not merely come from the satisfaction of material needs. I wish to thank Qian Jiang for pointing this out to me.

[19]I wish to thank Qian Jiang for pointing out this problem to me.

[20]For example, a most powerful objection to Samuel Alito's nomination to the American Supreme Court is a ruling he made that *could be* interpreted as an *indirect* challenge to ONE PERSON ONE VOTE, "a corner stone of American democracy" (Cohen 2006; see also the New York Times Editorial (New York Times, 2006)). Interestingly, some, if not all, who defend Alito don't defend him by criticizing the idea of one person one vote, but by pointing out that Alito didn't really challenge this idea in his ruling (see, for example, http://www.professorbainbridge.com/2006/01/what_the_ny_tim.html, accessed on March 15, 2006).

[21]See Nickel 2006 and Buchanan 2002. For a defense of this exclusion, see Berstein 2006.

[22]Kaplan doesn't offer the source of this quotation. He may have been paraphrasing a passage in Aristotle's *Politics* (1279b30-1280a5). In the *Politics*, Aristotle also gives many arguments that support hybrid regime (c.f. 1281b25-35).

[23]I wish to thank Li Shi (李石) for pointing this out to me.

[24]For an argument concerning a different kind of breakdown between the domestic case discussed in *Political Liberalism* and the international case discussed in LP and a more liberal solution of it, see Tan 2006, 88-91.

[25]See, for example, Pogge 1994 and 2006, Buchanan 2002, and Tan 1998 and 2006.

[26]In TJ, he offers a similar rationale for dealing with the problem of justice first and postponing the more pressing problem of injustice (Rawls 1971, 8-9).

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