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**Why Public Reason Could Not Be Too Modest:**

**The Case of Public Reason Confucianism**

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**1. Introduction**

In *Public Reason Confucianism*, Sungmoon Kim presents an important Confucian political theory that seeks to combine a specific conception of Confucianism and the ideal of public reason.[[1]](#footnote-1) My paper examines this theory and identifies some of the theoretical complications with Rawlsian public reason.

Public reason has had wide appeal among political philosophers since the publication of John Rawls’s *Political Liberalism*.[[2]](#footnote-2) As a political ideal, public reason aims to reconcile persistent disagreements between reasonable people over religion, ethics, and other fundamental matters. Advocates of public reason (or public reason advocates) believe that political principles and laws must be justifiable to each and every individual person in order for them to be treated with equal respect. Most public reason advocates endorse the following Rawlsian principle:

A coercive law or a state action is justified only if it is supported by sufficient public reasons that are shared by reasonable persons.

Call this *the Consensus public reason principle*, or simply, *the Consensus principle*, since it concerns shared reasons.[[3]](#footnote-3) The political philosophers who endorse this Rawlsian principle include Charles Larmore, David Estlund, Andrew Lister, and Jonathan Quong.[[4]](#footnote-4)

The Consensus principle can be fleshed out in more than one way. To Rawls, reasonable persons share a variety of political values so that they may appeal to these values in political justification as their public reasons. These political values include democratic citizenship, the freedom of expression, and fair social co-operation.[[5]](#footnote-5) Yet secular values and conceptions of the good life have to be regarded as items that are associated with comprehensive doctrines over which reasonable persons disagree, and so, citizens and officials should not accord to them independent justificatory force when basic matters of justice or constitutional essentials are at stake.[[6]](#footnote-6) Kim, however, thinks that the state should promote the good life by appealing to a wide range of perfectionist values, i.e. he endorses perfectionism.[[7]](#footnote-7) To him, East Asian governments should seek to combine public reason and perfectionism such that they undertake the task of promoting Confucian (perfectionist) values.[[8]](#footnote-8) This proposal, for him, is both important and practical because he believes that Confucian values are widely shared in East Asia so that East Asians may regard Confucian values as *perfectionist public reasons*. He considers that it is of crucial importance for East Asians to exercise liberties and rights on their own terms—in terms of *Confucian public reasons*—when facing the global hegemony of Western liberalism.[[9]](#footnote-9) Such a blend of public reason and Confucianism is called by him as “public reason Confucianism.”

I will give more details of public reason Confucianism in the next part. Notice that “public reason liberalism,” as I use the term, is a shorthand for Rawlsian public reason liberalism. It does not refer to all liberal theories, such as Gerald Gaus’s public reason theory, that give public reason a central place.[[10]](#footnote-10) I will argue that while Rawlsian public reason appears to be modest in its aim to reconcile reasonable disagreements in politics, this political ideal, if it is coherent at all, can only accommodate *a specific group of the public* who do not have a serious complaint about the ideal itself. In addition, contrary to many contemporary Confucians, I argue that any *liberal* state should not promote values that are characteristically Confucian.[[11]](#footnote-11)

**2. Public reason Confucianism**

What motivates public reason Confucianism is the conviction that Confucian values are widely shared by East Asians and these values are significantly different from the ethical and political values at the core of the Western liberal way of life. Kim believes that given their common Confucian cultural heritage, it is of crucial importance for East Asians to pursue a kind of self-determination that enables themselves to exercise freedoms and rights on their own terms.[[12]](#footnote-12) Yet, as Kim has rightly pointed out, when East Asians tried to transform their authoritarian regimes into democratic ones, they rarely reflected on the kind of democracy they need in the light of their Confucian cultural and historical setting.[[13]](#footnote-13) He believes that democracy in East Asia is unlikely to be succeed unless East Asians realize a Confucian type of democracy where liberal rights and values are accommodated to Confucian ends and goods.[[14]](#footnote-14)

What sort of Confucian democratic theory do East Asians need? Kim suggests that it should be a perfectionist theory that would provide guidance as to how the state promotes the Confucian way of life through legislation and policymaking.[[15]](#footnote-15) But for Kim, there is a dilemma: if Confucian democratic theory has emerged as “a pluralist correction to the global monism of liberal democracy,” how could it “align with the societal fact of value pluralism within the putative Confucian polity”?[[16]](#footnote-16) He thinks that while there might not be any inherent tension between perfectionism and value pluralism, any persuasive Confucian political theory should seek to mediate between Confucian values and value pluralism.

To deal with this problem, Kim proposes public reason Confucianism. This theory seeks to mediate between “public reason, commonly affiliated with liberal neutrality, and perfectionism, which endorses the state’s nonneutral promotion or prohibition of particular goods or values.”[[17]](#footnote-17) Kim is confident that when Confucian perfectionism works through Confucian public reason, it can balance “the Confucian polity’s internal value pluralism and the people’s collective self-determination.”[[18]](#footnote-18) Thus, public reason Confucianism can succeed in making “the Confucian polity more democratic as well as more just.”[[19]](#footnote-19)

The justification of public reason Confucianism consists of three steps. They are: (1) criticizing Rawls’s public reason liberalism; (2) advancing the idea of public reason perfectionism; and (3) spelling out the main features of public reason Confucianism. Briefly, Kim argues that public reason liberalism is implausible because it relies on an asymmetry between ideas of social justice and the good life; people have reasonable disagreement about both social justice and the good life, and so it is unjustified for Rawls and others to claim that the state may promote social justice but not the good life. In addition, Kim argues that people can reasonably interpret public reason in different ways as they affirm different reasonable comprehensive doctrines. Thus, for Kim, Rawls “open[s] a backdoor allowing comprehensive doctrines to sneak into the domains of public reason.”[[20]](#footnote-20)

In Kim’s view, we are then presented with two options: either public reason should be abandoned, or citizens should be allowed to appeal to comprehensive doctrines and perfectionist reasons in political justification.[[21]](#footnote-21) He thinks that citizens should be allowed to appeal to perfectionist reasons in legislation and policymaking. For him, public reason perfectionism, which combines public reason and perfectionism is an attractive theory. Yet he also thinks that perfectionists should learn from public reason liberalism about the legitimate exercise of political power in the age of value pluralism. The exercise of political power should be justified to citizens “who despite their internal diversity must have common premises that can serve as the standard for mutual justification and reciprocity.”[[22]](#footnote-22) But for Kim, there is nothing wrong with appealing to controversial ideas about the good life in political justification, and he considers that these ideas can contribute to “a more robust democratic citizenship and democratic justice.”[[23]](#footnote-23)

Kim believes that public reason Confucianism is “one variation of public reason perfectionism that is best suited for East Asian societies.” There are two core normative premises in this theory.[[24]](#footnote-24) The first one is that “there is a valuable Confucian way of life that is distinct from (if not starkly opposed to) a liberal way of life”.[[25]](#footnote-25) The second premise is that “it is permissible for a state, one that is democratically controlled by its citizens, to promote or discourage some activities, ideas, or ways of life based on the grounds of a constellation of Confucian values.”[[26]](#footnote-26) These two premises are supplemented by six propositions as follows.[[27]](#footnote-27)

1. The valuable Confucian way of life refers to the collective way of living widely shared and cherished by citizens in a Confucian society.
2. Citizens in a Confucian society are still saturated with Confucian habits, mores, and moral sentiments, despite their subscriptions to various comprehensive doctrines.
3. In a Confucian society, all citizens are equal to one another *qua* public citizens and together they exercise popular sovereignty.
4. The Confucian (democratic) state respects constitutional rights held by its citizens so that it has no desire to suppress value plurality in civil society.
5. Confucian public reason—the reason of democratic citizens in a Confucian society—delineates the legitimate boundary of state action and provides moral content for basic rights, duties, and liberties.
6. Immigrated citizens should strive to negotiate their religious or nonreligious comprehensive doctrines with Confucian public reason in order to fully exercise their constitutional rights and liberties.

Thus, public reason Confucianism is “neither Western-liberal nor Confucian in the traditionalist sense.”[[28]](#footnote-28) For Kim, it can “prevent the East Asian polities from becoming too Western,” especially when East Asians are struggling to transform their authoritarian regimes into democratic ones.[[29]](#footnote-29)

**3. Unjustified imposition of Confucian values on reasonable dissenters**

**(a) Do all East Asians share Confucian values?**

Rawlsian public reason is based on the idea that reasonable citizens share certain political values, and these values form the basis of political justification. Kim believes that Confucian values are widely shared in East Asia. Yet, do *all* East Asians nowadays share these values? Kim admits that East Asians do not all share the *traditional doctrine of Confucianism* and so it would be unjustified for any East Asian government to promote such doctrine.[[30]](#footnote-30) How about *Confucian* *values*?

Kim has provided some empirical evidence that shows that East Asian countries are “saturated with” Confucian values, practices, and mores despite increasing value pluralization in East Asia.[[31]](#footnote-31) For the sake of argument, let us agree with the general statement that East Asian countries remain deeply influenced by Confucianism. Let us also suppose that Kim is correct in saying that most people in Korea (say 80 to 90 per cent of Korean citizens) and all indigenous inhabitants living in the New Territories in Hong Kong share Confucian values including filial piety and ritual propriety. But how about those people in Korea and Hong Kong who have not been mentioned in the statistics? That is, those 10 to 20 per cent citizens in Korea and the many Hong Kong citizens who are not indigenous inhabitants of the New Territories in Hong Kong. Kim has not said anything specifically about these people.

In fact, Kim has been quite careful in making claims about how Confucianism has influenced East Asians. For example, he has made the following claims: “Confucian perfectionism works through Confucian public reason *broadly shared* by citizens”;[[32]](#footnote-32) “the valuable Confucian way of life refers to the collective way of living *widely shared* and cherished by citizens in a Confucian society”;[[33]](#footnote-33) and “Confucian habits, mores, and moral sentiments, with which contemporary East Asians are still *saturated*.”[[34]](#footnote-34) Indeed, he has not claimed that there is any Confucian value that is shared by allEast Asians.[[35]](#footnote-35) But if so, could the state’s promotion of Confucian values be justified to those East Asians who do not share these values? Let us first be clear whether Kim’s theory hinges on the objectivity of Confucian values or the empirical claim about Confucian values being widely shared in East Asia.

**(b) Is public reason Confucianism based on empirical evidence or the objectivity of values?**

Kim argues:

Though public reason Confucianism is inspired by the empirical evidence that East Asians are still saturated with Confucian values. . . *it does not build its normative theory merely on the evidence of the current public consensus*. As a normative political theory, public reason Confucianism is predicated on the philosophical conviction that Confucian values such as filial piety, respect for elders, ancestor worship, ritual propriety, harmony within the family, and social harmony are objectively good and thus its primary political aim is to find a philosophically justifiable way to permit the state to promote such perfectionist values without violating the constitutive values of democracy such as popular sovereignty, political equality, and the right to political participation in a pluralist society.[[36]](#footnote-36)

So, it appears that Kim’s public reason Confucianism is not really based on the empirical claim that Confucian values are widely shared in East Asia; what is crucial to his theory is the objectivity of Confucian values. But if the soundness of public reason Confucianism is based on the objectivity of Confucian values, then what is the relevance in pointing out that certain Confucian values are widely shared in East Asia? Some Confucian perfectionists, such as Jiang Qing, would be happy to claim that in the end, what truly matters is the objective importance of Confucianism, and no one, such as Kim, should criticize Jiang’s theory for failing to accommodate value pluralism.[[37]](#footnote-37)

Here, one might suggest that there need not be any tension between the empirical claim about Confucian values being widely shared by East Asians and the normative claim about Confucian values being objectively important. Kim might think that his theory has a two-stage justificatory process: first, the empirical claim shows that it is *morally permissible* for any East Asian government to promote Confucian values; and second, the normative claim about objectivity is crucial to showing that any East Asian government *should* promote Confucian values as objective values for East Asians.[[38]](#footnote-38)

Surely, it is possible that Kim had such a two-stage justificatory process in mind. Let us grant that that is the case. There remain serious problems with public reason Confucianism. First, for most public reason theorists, public reason is necessary for political philosophizing because people have deep and persistent disagreements about the objectivity of values—be they Christian values, Muslim values, or Confucian values. If so, then it would seem to be putting the cart before the horse by appealing to the objectivity of Confucian values to justify public reason Confucianism. Thus, it is far from clear why the second stage in the above justificatory process is necessary and helpful for Kim.

Second, more importantly, even if Kim is right in claiming that Confucian values are widely shared by East Asians, we can still ask: “How about those East Asians who reasonably reject these values?” Note that even if Confucian values are objective and many East Asians share them, this does not imply that these values are beyond reasonable rejection by any East Asian.

**(c) Reasonable rejection of Confucian values (even if these values are objective) and the tyranny of the Confucian majority**

Let us distinguish between the following two claims:

1. Certain Confucian values are objective; therefore, all East Asians should share these values and if any East Asian rejects any of these values, he or she is being unreasonable.

1. Certain Confucian values are objective; therefore, all East Asians should share these values. Nevertheless, it can be reasonable for any East Asian to reject any of these values.

Obviously, (a) is a stronger claim, and Kim has not made any such claim; throughout the book, he has not accused any person who does not share Confucian values as being unreasonable. I take it that Kim would endorse the weaker claim (b), according to which it can be reasonable for some East Asians to reject Confucian values (such as filial piety and ritual propriety, which are particularly important for Kim’s theory). If so, there are difficult problems with public reason Confucianism as a perfectionist political theory.

The first problem concerns the unjustified imposition of Confucian values on some people. Suppose that Confucian values are *widely shared, but not unanimously shared*, in a certain East Asian country. Since the majority of this country endorse Confucian values, it is definitely possible for their government to promote Confucian values in an active and democratic manner (and Kim holds the view that East Asian governments should seek to promote Confucian values in an active and democratic way).[[39]](#footnote-39) Yet, public reason as a political ideal aims to justify the use of coercive power to its subjects, and so, it is very doubtful how public reason Confucianism could justify Confucian laws and policies to all those who are subject to them, particularly those who reasonably disagree with Confucian values in good faith. Note that if the majority of this country succeed in making a broad range of Confucian laws or policies, then the minority dissidents would have no choice but to comply with them. There could be Confucian education policies (these policies may be for children only, yet their parents may reasonably reject Confucian values), Confucian tax laws (concerning marriage, duties to support one’s parents, etc.), Confucian medical laws (concerning familial duties, the right to die, etc.), and the non-Confucian minority dissidents would be required to comply with them. Worse, insofar as these people are taxpayers, they are legally obliged to pay tax to support their enforcement. Hence, there are two moral problems. First, the government, in those cases, violates the minority dissidents’ personal autonomy, for they are being coerced to comply with the laws and policies that they reasonably reject. This is an especially serious problem for public reason theorists, because they think that any law is sufficiently respectful of personal autonomy only if those who are subject to it can reasonably accept it. And public reason Confucians cannot square the circle, so to speak. Second, the government would fail to treat the dissidents with equal respect by giving more concern to the interests of the Confucian majority, and this problem, surely, can further lead to social alienation on the part of the minority dissidents. For these reasons, the non-Confucian dissidents can sensibly complain that they are victims of the *tyranny of the Confucian majority*. By tyranny, they do not necessarily mean that they are being ruled by a group of tyrants, but only that they suffer from coercion and discrimination inflicted by the Confucian majority.[[40]](#footnote-40)

One might defend Kim by arguing that a fair democratic procedure alone can legitimize the state’s promotion of Confucian values. So, although some people can reasonably reject Confucian policies, these policies should be seen as legitimate insofar as they are made by a fair procedure. I doubt if Kim would endorse this argument, for it is simplistic; a fair democratic procedure alone cannot legitimize everything (for example, it cannot, I suppose we would agree, legitimize the promotion of Nazis values). This does not mean that a fair democratic procedure is unimportant, but only that it alone is not sufficient to legitimize the promotion of Confucian values. Surely, Kim might argue that Confucian values are in the first place *proper objects of state promotion* (so they are very different from Nazis values) and that a fair democratic procedure can lead to the legitimate promotion of Confucian values. Moreover, following Kim’s endorsement of perfectionism, the state should make a wide range of perfectionist policies, not only Confucian ones, and so, even if some people would oppose Confucian policies, they should welcome *the whole package of perfectionist policies*.

However, there should be limits to what kinds of values that a perfectionist state may promote. In my view, any perfectionist state that has a strong commitment to basic liberal values, including equal respect for persons, should not seek to promote those values that are closely associated with controversial doctrines of the good, such as Confucianism and Christianity. To see this, think about whether the state may promote Christian values. I would say that it should not do so, and the main reason is that by promoting Christian values, the state will almost certainly offend many citizens who do not endorse Christianity. More clearly, the state’s promotion of Christian values encounters the following dilemma. On the one hand, if it promotes Christian values and not other kinds of religious and cultural values, then it is being unfair to many citizens who reject Christianity, and so it fails to treat citizens with equal respect. On the other hand, if it seeks to promote many different kinds of values that are closely associated with controversial doctrines of the good, such as Confucianism, Islam, and Buddhism, then, it will almost certainly offend many citizens altogether and show a terrible lack of principle.[[41]](#footnote-41)

**4. How should citizens who do not share Confucian values be treated?**

Kim has discussed how East Asian governments should treat the immigrants in East Asia who do not endorse Confucian values. So, he might think that those non-immigrants who reasonably reject Confucian values should be treated similarly.

He has argued:

While Confucian public reason must be justifiable to all citizens in a Confucian society, including immigrants, immigrated citizens should strive to negotiate their religious or nonreligious comprehensive doctrines with Confucian public reason in order to fully exercise their constitutional rights and liberties.[[42]](#footnote-42)

[.…] new citizens have the right to contest the currently dominant understanding of Confucian public reason first by negotiating it with their religious or nonreligious comprehensive doctrines and then by offering an alternative notion of public reason that is socially acceptable to other citizens. In no case, however, are the fair terms of social integration meant to embrace unreasonable pluralism that is likely to erode the society’s Confucian public character and undermine the people’s right to collective self-government based on it. Thus understood, the criterion by which to judge whether or not Confucian democratic citizens treat immigrants fairly is not so much whether they expect immigrant groups to appeal to Confucian public reason in public deliberation processes, but whether they respect the minority groups’ right to basic freedoms (for instance, freedom of association) as equally as other cultural groups, especially Confucian groups and associations who may be under the wrong impression that they have a privileged connection with Confucian public reason.[[43]](#footnote-43)

There are three key ideas in the above argument. *First,* immigrant citizens who do not share Confucian values might contest Confucian public reason. However, they should strive to negotiate their religious or nonreligious comprehensive doctrines with Confucian public reason in order to fully exercise their constitutional rights and liberties. *Second*, they should not embrace “unreasonable pluralism,” which is likely to erode the society’s Confucian public character and undermine the people’s right to collective self-government. *Third*, it is not unfair for Confucian democratic citizens to expect these immigrants to appeal to Confucian public reason in public deliberation, but Confucian democratic citizens should respect the minority groups’ right to basic freedoms.

Let us put aside the question of whether immigrant citizens should be treated in the way described above and focus on the following question: would it be justified for the state to treat non-immigrant citizens who do not share filial piety and some other Confucian values in the same way? There are two problems. First, even if these citizens are allowed to contest Confucian public reason, there is still the problem of the unjustified imposition of Confucian policies on them. Respecting their right to contest might make them feel better, but this cannot legitimize the imposition of Confucian policies on them. Second, since public reason Confucianism does not encourage anyone to undermine the society’s Confucian public character, it would seem morally wrong for citizens to use civil disobedience to protest against Confucian policies (e.g. by refusing to pay tax). Yet I do not see why it is necessarily wrong for them to opt for civil disobedience. Kim might point out that their right to civil disobedience should be respected while they should do their best to negotiate their comprehensive doctrines with Confucian public reason, but this is a very awkward position to take.

**5. The active promotion of Confucian values has not been justified**

Let me turn to another problem with public reason Confucianism. Even if it is the case that many East Asians share Confucian values, public reason Confucianism can hardly achieve what it intends to achieve, namely, the active and democratic promotion of Confucian values. People who share Confucian values would most likely compare Confucian values with other values. For example, some people who care about filial piety may not consider filial piety more important than the personal enjoyment of life in some situations. If these people have to choose between the state’s promotion of filial piety (by using their tax money) and the absence of it, they might prefer the absence of it. That is, even if an East Asian has some reason for supporting the state’s promotion of a Confucian value because she endorses this value, she may not have conclusive reason for supporting the state’s promotion of it. In fact, Gerald Gaus has argued that while people might share some perfectionist values, such as good health, some smokers can reasonably think that the enjoyment of smoking is more important than good health so that they do not have conclusive reason to endorse anti-smoking policies.[[44]](#footnote-44) Public reason Confucianism probably has the same kind of problem. East Asians, as they are different individuals, rank different values differently in a reasonable manner. So, even if all East Asians share a variety of Confucian values, they may not have conclusive reason to endorse the relevant Confucian laws and policies. As a result, even granted that Confucian values can serve as public reasons, this can hardly support the state’s active and democratic promotion of values that are characteristically Confucian.

**6. Reflexivity and self-defeat**

In fact, is public reason Confucianism internally coherent? According to this theory, citizens should appeal to Confucian values in political justification. However, the very act of appealing to these values is, as I have shown, highly controversial. So, citizens who appeal to Confucian values in political justification need to justify to their fellow citizens (in particular those who seem to reasonably disagree with these values) why it is right for them to do so, and, not surprisingly, their justification, if it is a sufficiently clear one, would be something like the theory of public reason Confucianism itself.[[45]](#footnote-45) But the difficult problem is that in political justification, the appeal to public reason Confucianism can hardly satisfy the public reason principle, because the theory itself is most likely the object of reasonable rejection. Thus, public reason Confucianism is probably self-defeating.

This line of argument is not entirely new; it is similar to Ronald Dworkin’s comment on Rawls’s political liberalism. Dworkin has argued that political liberalism and public reason assumes a particular interpretation of liberal tradition, which is based on some sort of background moral theory that Rawls considers to be true. However, such a moral theory itself must be comprehensive and controversial, and thus it goes against the essence of public reason.[[46]](#footnote-46) Dworkin’s criticism should not be taken to mean merely that Rawls needs a controversial moral theory to justify political liberalism and Rawls is unwilling to propose any such theory. The criticism, rather, is about self-defeat: in justifying laws and policies, citizens who endorse Rawls’s public reason cannot avoid appealing to some controversial moral theory to explain why the laws and policies in question should be so justified, but in so doing, these citizens violate the public reason requirement.

Let us take stock of what has been argued about public reason Confucianism. I have argued that public reason Confucianism encounters the following problems:

1. The unjustified imposition of Confucian values on many citizens
2. The active and democratic promotion of Confucian values has not been justified
3. Self-defeat

If these problems could be resolved, public reason Confucians would have to make at least two claims. The first claim is that public reason Confucianism cannot be reasonably rejected (by East Asians at least). If it is really beyond reasonable rejection, then, first, it does not have the problem of self-defeat, and second, it would be unreasonable for any East Asian to complain about the unjustified imposition of Confucian values. Obviously, this line of reasoning is analogous to some public reason liberals’ argument that public reason cannot be reasonably rejected.[[47]](#footnote-47) However, Kim has made it clear that he refuses to make his political theory such an internal conception, which accommodates (or cater to) only those who support it.[[48]](#footnote-48)

The second claim that public reason Confucians would need to make is that East Asians have the moral duty to endorse a particular kind of Confucian public justification restraint, which demands that non-Confucian values should not (or at least should often not) override Confucian values when these two kinds of values compete with each other in the justification of Confucian laws and policies. Such a Confucian public justification restraint is necessary for the state’s active and democratic promotion of Confucian values to come into being. But I suspect that Kim would be very unwilling to endorse such a demanding restraint. He has criticized political liberals for ignoring the fact that people can reasonably interpret the content of public reason differently in the light of their own comprehensive doctrines. If this fact about different reasonable interpretations of public reason should be recognized, then how could he insist that East Asians should endorse the Confucian public justification restraint despite their commitment to their own comprehensive doctrines?

The above two claims would make public reason Confucianism an internal (or insular) political conception, that is, that it accommodates or caters to only those people who do not have a serious complaint about public reason Confucianism. As said, Kim has refused to go this route, but if so, then his theory is vulnerable to the above three criticisms (1, 2, and 3).

Public reason *liberals* might think that their theories are not vulnerable to the same kind of criticisms. They might argue that public reason *Confucianism* is implausible because it is not faithful to public reason as a *liberal* ideal—public reason as a liberal ideal is simply incompatible with any comprehensive doctrine of the good, such as Confucianism. Yet I will argue that just like public reason Confucianism, public reason liberalism is coherent only if it is an insular and sectarian political dcotrine.

**7. The insularity of public reason liberalism**

Public reason liberals believe that reasonable people share certain liberal values, including the value of basic liberal rights, the value of fair social cooperation, and the value of liberal tolerance, and thus, reasonable people would not complain about the unjustified imposition of liberal policies. Let us suppose that reasonable people must share these liberal values. Yet how does public reason liberalism yield the laws and policies that are distinctively liberal? To Rawls, citizens should endorse a particular kind of public justification restraint, which requires citizens not to appeal to non-public reasons (e.g. perfectionist reasons) in political justification, unless their views are already sufficiently supported by public reasons. So citizens should not regard liberal policies and laws as unjustified just because they consider liberal values as less important than other values.

There are a number of problems with public justification restraint, and it might be useful to illustrate them by discussing perfectionism briefly. Perfectionism is the view that the state may and should promote the good life, and that to promote the good life, the state (or democratic citizens) may appeal to perfectionist reasons (i.e. conceptions of the good life). Yet, public justification restraint disallows citizens to appeal to the direct justificatory force of perfectionist reasons in justifying laws and policies. So, if citizens invariably endorse public justification restraint, then many perfectionist policies would be deemed as unjustified—these policies should die out and, as many public reason liberals would add, further perfectionist policies should not be made. These outcomes are unacceptable for most people who care about perfectionist policies, such as the funding of humanities to nature preservation. They would reject public justification restraint. Their rejection of it should be regarded as perfectly reasonable, even if perfectionism has its own problems and may not replace public reason liberalism. But as soon as public justification restraint is the object of reasonable rejection, there is the problem of self-defeat.[[49]](#footnote-49)

Many public reason liberals are aware of the danger of self-defeat.[[50]](#footnote-50) To get around the problem, Quong and Estlund have suggested that it is necessary for public reason liberalism to stipulate that reasonable citizens are those who endorse public reason and the related liberal values and restraint. Such a stipulation, however, is implausible. Even public reason liberals themselves recognize that there can be different reasonable interpretations of liberal values,[[51]](#footnote-51) and if so, there can be reasonable interpretations of liberal values that do not affirm public reason as a political ideal.

Surely, public reason liberals can maintain that the above stipulation strategy is necessary. But then, public reason becomes self-serving and insular: perfectionist philosophers and many citizens who do not endorse public reason and anti-perfectionism would be regarded as unreasonable people. At this point, public reason does not seem to be a modest political ideal.

**8. Conclusion**

Let me summarize my arguments in the following way. According to public reason Confucianism, East Asians may appeal to both Confucian values and non-Confucian values in political justification. But if so, then, in many cases, some East Asians would not have conclusive reason to endorse a law or policy that is distinctively Confucian, since they may regard non-Confucian values as more important than Confucian values in many situations. Consequently, there would not be the active democratic promotion of Confucian values. To achieve the active democratic promotion of Confucian values, East Asians must adopt a particular kind of Confucian public justification restraint, which requires East Asians to exclude or downplay non-Confucian values when these values conflict with Confucian values in political justification. But there are two problems here. First, this kind of public justification restraint is very demanding and can be reasonably rejected, and if so, public reason Confucianism is self-defeating. Second, if a wide range of Confucian laws and policies are successfully made (thanks to Confucian public justification restraint), then there would be the unjustified imposition of Confucian values on citizens who do not endorse these values.

Public reason *liberals* would probably think that they do not have to encounter problems of these kinds. For them, public justification restraint only disallows citizens to appeal to the direct justificatory force of non-public reasons in justifying laws and policies. Yet, as I have argued, this kind of restraint can also be reasonably rejected. Thus, both public reason liberalism and public reason Confucianism encounter the problem of self-defeat.

Some public reason liberals have defended the coherence of public reason liberalism by stipulating that public reason is beyond reasonable rejection. Surely, Kim could make the same kind of stipulation for his theory. I have not shown that these stipulation strategies should not be pursued; in fact, I think that they are necessary for saving these political theories from self-defeat. But the problem is this: either these theories are self-defeating or they are sectarian and not modest at all.[[52]](#footnote-52)

1. Sungmoon Kim, Public Reason Confucianism: Democratic Perfectionism and Constitutionalism in East Asia (New York: Cambridge University Press, 2016). [↑](#footnote-ref-1)
2. John Rawls, *Political Liberalism*, expanded ed. (New York: Columbia University Press, 2005). [↑](#footnote-ref-2)
3. The above formulation of the principle has taken into account Rawls’s “proviso.” For Rawls’s statement of the proviso, see *Political Liberalism*, pp. xlix–l. Some philosophers, such as Gerald Gaus, endorse a different public reason principle, which can be called “the Convergence public reason principle.” See Gerald Gaus, *The Order of Public Reason: A Theory of Freedom and Morality in a Diverse and Bounded World* (Cambridge University Press, 2011). According to the convergence principle, a coercive law is justified only if each and every member of an idealized public has sufficient reason(s) from his or her perspective to endorse it. For a discussion of the two different public reason principles, see Kevin Vallier, “Convergence and Consensus in Public Reason,” *Public Affairs Quarterly* 25 (2011): 261–79. [↑](#footnote-ref-3)
4. Charles Larmore, “Political Liberalism,” *Political Theory* 18 (1990): 339–60; David Estlund, ‘The Insularity of the Reasonable: Why Political Liberalism Must Admit the Truth’, *Ethics* 108 (1998): 252–75; David Estlund, *Democratic Authority: A Philosophical Framework* (Princeton, N.J.: Princeton University Press, 2008), chap. 3; Andrew Lister, *Public Reason and Political Community* (London: Bloomsbury, 2013); and Jonathan Quong, *Liberalism without Perfection* (Oxford University Press, 2011), chaps. 5–9. [↑](#footnote-ref-4)
5. Rawls, *Political Liberalism*, pp. 216-20, 446-47. [↑](#footnote-ref-5)
6. Rawls, *Political Liberalism*, pp. 452-458. [↑](#footnote-ref-6)
7. Kim, *Public Reason Confucianism*, pp. 72-87. [↑](#footnote-ref-7)
8. Confucian values are basically perfectionist. For Kim’s point that Confucian perfectionist values should be promoted by East Asian governments, see ibid, pp. 97-99, 101, 103, 112, 245. [↑](#footnote-ref-8)
9. *Public Reason Confucianism*, pp. 70, 245. [↑](#footnote-ref-9)
10. Gaus, *The Order of Public Reason*. [↑](#footnote-ref-10)
11. In my view, both Kim and Joseph Chan have not successfully justified the state’s promotion of Confucian values. For Chan’s argument, see his *Confucian Perfectionism: A Political Philosophy for Modern Times* (Princeton: Princeton University Press, 2014). [↑](#footnote-ref-11)
12. Ibid, p. 69. [↑](#footnote-ref-12)
13. Ibid, p. 89. [↑](#footnote-ref-13)
14. Ibid, p. 70. In my paper, I will not raise doubts about Kim’s view on the democratization of Asian countries. For a discussion of this topic in connection with the idea of popular sovereignty, see Joseph Chan and Franz Mang, “Is Popular Sovereignty a Useful Myth?” In *Deparochializing Political Theory*, ed. Melissa S. Williams (Cambridge University Press, forthcoming). [↑](#footnote-ref-14)
15. Ibid, pp. 69-70. [↑](#footnote-ref-15)
16. Ibid, p. 70. [↑](#footnote-ref-16)
17. Ibid, p. 19. [↑](#footnote-ref-17)
18. Ibid, p. 71. [↑](#footnote-ref-18)
19. Ibid, p. 71. [↑](#footnote-ref-19)
20. Ibid, p. 80. [↑](#footnote-ref-20)
21. Ibid, pp. 77-78. [↑](#footnote-ref-21)
22. Ibid, p. 87. [↑](#footnote-ref-22)
23. Ibid, p. 87. [↑](#footnote-ref-23)
24. Ibid, p. 87. [↑](#footnote-ref-24)
25. Ibid, p. 87. [↑](#footnote-ref-25)
26. Ibid, p. 87. [↑](#footnote-ref-26)
27. The following list is adopted with minor revisions from ibid, pp. 87-88. [↑](#footnote-ref-27)
28. Ibid, p. 245. [↑](#footnote-ref-28)
29. Ibid, p. 245. [↑](#footnote-ref-29)
30. Ibid, pp. 90-91. [↑](#footnote-ref-30)
31. Ibid, p. 91 and p. 94 note 79. [↑](#footnote-ref-31)
32. Ibid, p. 94 note 79; emphasis added. [↑](#footnote-ref-32)
33. Ibid, p. 87; emphasis added. [↑](#footnote-ref-33)
34. Ibid, p. 161; emphasis added. [↑](#footnote-ref-34)
35. In addition to the pages I have just cited, see ibid, pp. 15, 22-23, 30, 88, 112, 125, 127 note 37, 138, 244-5. [↑](#footnote-ref-35)
36. Ibid, pp. 244-245; emphasis added. [↑](#footnote-ref-36)
37. Kim rejects Jiang Qing’s Confucian constitutionalism. See ibid, p. 96. For Jiang’s explication of Confucian constitutionalism, see his *A Confucian Constitutional Order: How China’s Ancient Past Can Shape Its Political Future*, eds. Daniel A. Bell and Ruiping Fan and trans. Edmund Ryden (Princeton: Princeton University Press, 2013). [↑](#footnote-ref-37)
38. I want to thank an anonymous reviewer for bringing this line of defence to my attention. [↑](#footnote-ref-38)
39. For the point that there should be active state promotion of Confucian values, see Kim, *Public Reason Confucianism*, pp. 97-99, 101, 103, 112, 245. [↑](#footnote-ref-39)
40. I want to thank an anonymous reviewer for pressing me to clarify the problem of the unjustified imposition of Confucian values. [↑](#footnote-ref-40)
41. For a fuller discussion of the problem, see my “Confucianism, Perfectionism, and Liberal Society,” *Dao: A Journal of Comparative Philosophy 17* (2018): 29-49, at pp. 42-43. [↑](#footnote-ref-41)
42. Kim, *Public Reason Confucianism*, p. 88. [↑](#footnote-ref-42)
43. Ibid, p. 103. [↑](#footnote-ref-43)
44. See Gerald Gaus, “The moral foundation of liberal neutrality,” in *Contemporary debates in political philosophy*, ed. Thomas Christiano, and John Christman (Malden, MA: Wiley-Blackwell, 2009), 99-117, at pp. 92-93. [↑](#footnote-ref-44)
45. If not more—I think some philosophical-minded citizens would want to discuss metaphysics (Kim hasn’t discussed it in the book) as they wonder why Confucian values are objectively important. [↑](#footnote-ref-45)
46. Ronald Dworkin, *Justice for Hedgehogs* (Cambridge, MA: Harvard University Press, 2011), pp. 63–6, 267–9; *Justice in Robes* (Cambridge, MA: Harvard University Press, 2006), pp. 252–4. [↑](#footnote-ref-46)
47. Quong, *Liberalism without Perfection,* p. 240; Estlund, “The Insularity of the Reasonable.” [↑](#footnote-ref-47)
48. Kim, *Public Reason Confucianism*, pp. 84-86. [↑](#footnote-ref-48)
49. For a discussion of how public reason can be reasonably rejected, see Franz Mang, “Public Reason Can Be Reasonably Rejected.” *Social Theory and Practice* 43 (2017): 343-67. I think Kim is aware that public reason can be reasonably rejected. See Kim, *Public Reason Confucianism*, p. 83. [↑](#footnote-ref-49)
50. See, for example, James W. Boettcher, “The Moral Status of Public Reason,” *Journal of Political Philosophy* 20 (2012): 156–77; Estlund, “The Insularity of the Reasonable”; Lister, *Public Reason and Political Community* (London: Bloomsbury, 2013), pp. 124-127; and Quong, *Liberalism without Perfection,* chap. 5 and pp. 232–42. [↑](#footnote-ref-50)
51. See Quong, *Liberalism without Perfection*, pp. 148 and 156. [↑](#footnote-ref-51)
52. I am grateful to Sungmoon Kim and Steve Angle for their extensive comments on an earlier draft of my paper. I should also thank two anonymous reviewers for their incisive comments. [↑](#footnote-ref-52)