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REVIEW ARTICLE

Is Confucian Political Meritocracy a Viable Alternative to Democracy? A Critical Engagement with Tongdong Bai

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1 Introduction

With inequality of various sorts ballooning worldwide, a critique of democracy has come of age, and a change of political ethos is underway. Against this background, the critique of democracy becomes not only possible but also popular, and examples in China and many Western democracies abound.[1] It is no exaggeration to say, in this context, that sufficient momentum has gathered to qualify the situation as "democratic recession,"[2] despite people may have different understandings as to the exact nature of this recession and how long it will last. Accompanying this recession, Confucian political meritocracy, whose aim is to correct the wrongs of democracy, is constructed as an alternative to liberal democracy.[3] Many argue that the end of history is not nigh but will continue in and by Confucian political meritocracy. Tongdong Bai's new book, ***Against Political Equality: The Confucian Case***, with the Confucian political meritocracy occupying its central stage, firmly takes this stand.[4]

Throughout the book, Bai is careful to make clear what he means by democracy, that it is a "one person, one vote" system. The ambition of the book, however, transcends this institutional understanding of democracy. The eye-catching title of the

[1] For dissatisfaction with democracy, see, for instance, Jacques Ranciere, *Hatred of Democracy*, trans. Steve Corcoran (London: Verso, 2017); Jason Brennan, *Against Democracy* (Princeton: Princeton University Press, 2016); Jones Garett, *10% less Democracy* (New York: Stanford University Press, 2020).

[2] Larry Diamsond, "Facing up the Democratic Recession," *Journal of Democracy*, 26(1), 2015, pp. 32-44.

[3] For the view that takes Confucian political meritocracy as an alternative to liberal democracy, see *The East Asian Challenge for Democracy: Political Meritocracy in Comparative Perspective,* ed., Daniel Bell, Li Chenyang (New York: Cambridge University Press, 2013); Daniel A. Bell, *The China Model: Political Meritocracy and the Limits of Democracy* (Princeton: Princeton University Press, 2015).

[4] ***Tongdong Bai, Against Political Equality: The Confucian Case (New Jersey: Princeton University Press, 2020).***

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book—*Against Political Equality*—should draw our attention to his deep mistrust of the value of political equality, especially its rule "by the people," as distinct from the rule of and for the people.[5] In the book, Bai wants to make a case for the Confucian hybrid regime, intending it to be a remedy for liberal democracy. The hybrid regime is one that promotes democracy at the low, communal level and meritocracy at the level of the central government. The design, according to Bai, is to mitigate the problems of liberal democracy—or, to put it in his own words, "to save liberalism by putting Confucianism-inspired limits on democracy and equality." (xvi) This goal shows not only how much Bai wants to rid liberal democracy of political equality—such a goal is obvious, but also why he has to retain some elements of democracy in the construction of Confucian political meritocracy—which is not so obvious at first sight but will be clear in later steps, as we will see. In general, Bai's strategy is to drive a deep wedge between democracy and aristocracy on the one hand, and between the modern democratic political system in the West and the aristocratic political system of ancient China on the other. What he calls the "middle way" (47) then is so constructed as to retain the good parts of aristocracy (hierarchy) and democracy (equality). According to Bai, the hybrid regime is superior to liberal democracy and, by the same token, better (if we consider the recently proposed alternatives to liberal democracy) than Sungmoon Kim's public reason Confucianism, which belongs to what Bai calls "the revisionist camp" (243), and Jiang Qing's aristocratic Confucianism ("the fundamentalist camp, " 242).[6] Since the hybrid regime is able to strike the right kind of balance between aristocracy and democracy, it can retain the merits of liberal democracy, namely, human rights and the rule of law, and prevent itself from falling into the entrapment of aristocracy.

I examine Bai's normative construction in this essay by situating it in the social and political context to which it is intended to apply, and I do so with a view to exploring its relationship to the latter. The working assumption is that a normative construction always contains an element of discontent (with democracy, in Bai's case) and an element of hope (provided by Confucian political meritocracy), both pointing to the possibility of a change for the better. As such, a normative construction assumes that an improvement is possible. Given this assumption, it is always necessary for us to determine whether and to what extent it is true. That it can be false suggests that a normative construction can suffer a setback when it is pitched too high and too far removed from the social and political context to which it is intended to apply. When this happens, it falls into what Mark Warren describes as the "crisis of legitimacy"—a crisis on the part of the people of not being able to "recognize [a normative construction] to be part of experience."[7] In the context of the crisis of legitimacy, the imposition of the normative construction is bound to cause the deprivation of freedom. Since Bai draws his aspiration predominantly

[5] See ***Bai, Against Political Equality, chapter 2. Hereafter this work is cited parenthetically by page number only.***

[6] Sungmoon Kim, *Confucian Democracy in East Asia: Theory and Practice* (Cambridge: Cambridge University Press, 2014); Qing Jiang, *A Confucian Constitutional Order: How China's Ancient Past Can Shape Its Political Future*, ed. Daniel A. Bell and Ruiping Fan (Princeton: Princeton University Press, 2012.)

[7] Mark Warren, *Nietzsche and Political Thought* (Cambridge: The MIT Press, 1988), p. 38.

from Confucianism and rising China, I will focus on China as the major context, but I do so with an understanding that what we say about China can be said about other societies as well, to the extent that they share certain crucial features such as egalitarianism and individualism. In the end, whether Confucian political meritocracy stands a chance of constituting a viable alternative to democracy depends on its relation to the context we are to examine.

2 Equality as a Hypothesis

We shall begin with reasons why Bai takes issue with democracy. The major one for him is that democracy neglects what he calls the significant "fact of life," namely, the majority of the people do not have the necessary capacity to "make sound political decisions and participate fully in politics." (50) To an ear accustomed to the wisdom of Hellenism, this may sound Platonic, and for those who are familiar with ancient Chinese thoughts, this is reminiscent of Mencius's teaching ("He who rules lives by mental perplexity; he who is ruled lives by physical labor.") Bai takes it as a fact that people are unequal and takes such a fact as the point of departure of his normative theory. For him, it is the negligence of such a fact that makes democracy "fail to face up to" severe problems. Since people are not equal, believing they are and acting on such a belief in the political domain creates the problems. These, according to Bai, include the hatred toward the elite and government, the neglect of the interests of nonvoters, and the overlooked interests of the minorities and the powerless; all of this can be traced back to "the sacred ideology of democracy" (53-59).[8] What fails democracy, then, is its miscomprehension of the fact of life or its overestimation of human nature.

As I see it, Bai is right in linking democracy with the belief in equal human nature. Democracy and equal human nature are closely linked, just as aristocracy is inextricably related to the belief in inequality. It is all but a truism that it is on the very premise that people are equal that modern democracy is built. But it seems that Bai makes a mistake when he conceives of "people are unequal" as a matter of fact—it hardly is. In the book, Bai uses a number of examples to prove this fact, but the examples tell us more about the social and political condition than human nature as such. This is especially true when he says "the majority...fail to develop their capacities to a satisfactory degree... (thus too much mobility [of democracy] will lead to bad governance, and even chaos)" (48). Granted, for the sake of argument, that some indeed fail to develop capacities necessary for democracy, and that this *is* a matter of fact. It still does not follow that people are unequal, for the failure can well be the result of deficiencies of social and political condition which

[8] Together with the irrationality of voters, they form what Bai calls "four problems with democracy" (52). Democracy does not have a satisfactory track record on this account—hence the need to revise the existing liberal democracy. According to Bai, the best way to do so is to graft liberal democracy onto Confucianism. As he argues, Confucianism is compatible with the thin version of liberal democracy, a version that is thinner than John Rawls's political liberalism (251-54).

generates the so-called fact of life. We can easily think of those factors, individually or combined, that make up the deficiencies: the political or commercial control of social media, the deprivation of means to obtain reliable information, the absence of the right to open discussion and deliberation, and the political oppression that renders discussion and deliberation futile even if such a right exists, etc. The apparent inequalities to which Bai appeals do not testify to unequal human nature or a fact of life; they are, rather, epiphenomena or byproducts of deeper social and political inequalities. In passing them as facts, and in misidentifying effects as causes, we may miss the opportunity of rectifying the deeper, real inequalities, the inequalities that create the false impression that "people are unequal" in the first place.

In the absence of way to tell real facts about life and about humans apart from features resulting from the social and political condition, we cannot take it as a fact that people are unequal and start from there. In this regard, Alexis de Tocqueville's treatment of equality is illuminating. Tocqueville believes that equality in a democracy is not a fact but a hypothesis. For him, modern democracy rests on the hypothesis that people are equal and democratic man constructs social and political institutions on the basis of that very hypothesis. The only reason Tocqueville pits democracy against aristocracy is that they proceed from diametrically opposed hypotheses of human nature, not that human nature is different in different regimes (aristocratic or democratic). Aristocracy and democracy merely represent "two forms of humanity" supported by institutions, culture, and social arrangements, etc., rather than two facts about human nature.[9] As Pierre Manent explains succinctly,

> [The democratic man] does not look to fulfill an end, but to put into operation a certain *hypothesis*, according to which all men are born and live free and equal *in certain rights*, with the consequence that there is no legitimate obedience except that to which one has previously consented.[10]

In other words, democratic people are *made* equal in the light of the hypothesis of equality, and his democratic understanding of man, which is deeply entrenched in the U.S. Constitution and the modern way of thinking and living, is not a fact of human nature but a form of artificiality created by the hypothesis of equality. In seeing equality in this way, Tocqueville avoids the risk of mistaking what one may call "second human nature," the nature shaped by social and political condition, for human nature as such.

What this shows is that we only need the hypothesis of equality to get democracy off the ground. Modern democracy rests on nothing more, and nothing less, than the common hypothesis of equality. Insofar as such a hypothesis is at work in society, it no longer matters if human nature is *in fact* equal (how can we know what human nature in fact is?), nor does it matter if inequality of a certain kind is indeed a "fact

[9] Alexis de Tocqueville, *Democracy in America*, trans. George Lawrence (New York: Harper Perennial, 1988), p.180.

[10] Pierre Manent, *Tocqueville and the Nature of Democracy*, trans. Howard Rouse, Andrei Denejkine (Stanford: Stanford University Press, 2006), p. xii, emphasis added.

of life," for they are not indispensable to democracy insofar as the hypothesis of equality gains ground in a given society.

3 The Relation between Political Meritocracy and Reality

In view of this, what Bai says of the "fact of life" cannot be used against democracy—instead, it can work in favor of democracy. We need democracy as a way to tackle the deep-seated inequalities and to change the so-called "facts" of life that are too often associated with the undeserved appraisal of democracy. That is, we need more, instead of less, democracy to remove inequalities in social and political life, lest we are lured to mistake the arbitrary for the factual, thereby leaving the real inequalities intact. This rectification itself, however, does not affect Bai's construction of Confucian political meritocracy. As a normative construction, the Confucian political meritocracy does not rise or fall with what he takes to be the basis of democracy, be it equal human nature or the fact of life. Since Confucian political meritocracy stands alone, we should treat it as such.

This does not mean Bai's Confucian political meritocracy bears no relation to the social and political reality. For it is one thing to say that Confucian political meritocracy has an independent status; it is something altogether different to maintain that it should be treated as insulated from the condition of the social and political context to which it intends to apply as a normative theory. Despite its ability to have a life of its own, for instance, a normative theory can be proved irrelevant or plausible by the hypothesis of equality or inequality, so much so that whether the theory can have real effects ultimately depends on how it is related to that hypothesis. When a normative theory cannot exert the expected effects on reality, we cannot blame the normativity of the theory, for the problem lies not in the theory itself but elsewhere, namely, the relation between the two. If this is indeed the case, then there seems to be no good reason to ignore the rapport between a normative theory and its context it intends to apply by focusing merely on the former. Raymond Geuss once warns us, "ideal or moral principles [may] 'look good' or 'seem plausible' to us, to those who propose them or to those to whom they are proposed…it does not follow that these norms, cannons, or principles will have any particular effect at all on how people will really act."[11] We have to add one extra requirement to the assessment of a normative theory, and that is, as a normative theory it has to be attentive to how people really act or to "the context of action," otherwise we may engage in wishful thinking without knowing it.[12] It is for this reason that I propose to investigate the hypothesis of equality or inequality that is already in working order, and assess whether the Confucian political meritocracy fits this hypothesis (e.g., does a gap exist between what the hypothesis demands and what meritocracy advocates?), so as

[11] Raymond Geuss, *Philosophy and Real Politics* (Princeton: Princeton University Press, 2008), pp. 9-10.

[12] Ibid., p. 11.

to determine whether the Confucian political meritocracy can be considered a viable alternative to democracy.

4 Equality as an Entrenched Hypothesis in China

In the book, Bai recounts Francis Fukuyama's famous announcement and makes the following comments: almost three decades since the announcement, "liberal democracies seem to be losing, not winning, ground," and then add that, "one important cause for this appearance is the rise of China and the (apparent and relative) fall of the "West" (Japan included)." (1) One may doubt, with good reason, that a causal relation can be established between the waning of liberal democracy and the rise of China, as Bai proposes. Assuming it can, one then wonders: what constitutes the rise of China except for the increasing GDP and China's new status as the second biggest economy of the world? What is it that marks the transition from the traditional to rising China, which is relevant in the assessment of Fukuyama's announcement? Bai's answer must include political meritocracy, as one may reasonably predict. But is it possible that the rising China contradicts that which underlies political meritocracy, so that what makes China rising opposes the very logic of Confucian political meritocracy?

To answer these questions, we have to shed the philosophical habit of abstraction for the time being, in order to set the issue on a more concrete footing. It is worth noting, to begin with, that the contrast between aristocracy and democracy, crucial for Tocqueville, did not loom very large in China. This does not mean that China lacked the dynamic of the contrast between aristocracy and democracy. In China, such a dynamic took two different forms; first, as so-called two-thousand-year's *dizhi* (monarchy) and its antithesis, which were manifested, primarily, in a series of challenges during the last years of the Qing dynasty. And then, with the CCP (Chinse Communist Party) seizing power, the same dynamic took a new form, this time as the removal of the so-called "three mountains (*sanzuo dashan*)," that is, imperialism, feudalism, and bureaucratic capitalism. Although bureaucratic capitalism ceased to be an enemy later on, it does not change the fact that China has moved decisively to the side of equality (against monarchy and "three mountains"), and turned itself into a state where inequality as a value cannot openly used to justify any forms of hierarchical relations, social or political. This fact is man-made indeed, and it was made, firstly, by the egalitarian momentum gradually built up since the late Qing dynasty, and, secondly, by the CCP's Marxism-inspired march toward equality. But once the fact is made, we have good reason to believe that it is here to stay, therefore it is no exaggeration to say that the hypothesis of equality has been the functioning ideology in China.

It is worth emphasizing that in saying that China has embarked on this road of equality, I am not implying that both the late Qing intelligentsia and the CCP get things right, nor that everything is alright once the hierarchy of certain kinds is removed for good, thanks to the hypothesis of equality.[13] I leave these normative questions open. For our purposes, suffice it to say that new China is the one that puts into operation a brand-new hypothesis, a hypothesis that has never been tried before, at least not at such scale and with such sweeping force, in the entire history of China. Since China is gripped *now* by the hypothesis of equality, the possibility of returning to the past, which promotes the value of inequality as a ruling principle, is not remotely in sight. This can mean many things, of course; one of them is that once China is what it is, people will no longer find legitimation justification which still refers to natural inequality appealing, however it is phrased and for whatever causes. This, in turn, means that there can hardly be any forms of inequality that can exist openly, that is, in the open name of hierarchy and inequality. As the party presiding over China, the CCP sees this clearly: once the hypothesis of equality is in force, it is simply unimaginable to officially readopt an aristocratic hypothesis of inequality; not to mention that to do so is to betray that which is the major legitimating source of its political power, the source which helped to bring about the hypothesis of equality in China in the first place. That is why the CCP never attempt to make use of the discourse of political meritocracy. If the party were to argue for political inequality, it would amount to committing political suicide, for nothing in the legitimacy discourse of Marxism, and nothing in the spiritual reality largely shaped by this discourse, can justify the switch to political inequality. As things stand, we may continue to rely on the party's discretion, both of a political kind and one that advises it not to go against the grain of the age, that the sudden switch to political meritocracy will not happen, at least not in the foreseeable future.

5 The Crisis of Legitimacy

In fact, the road to the hypothesis of equality in China was not paved by the CCP alone but earlier by Confucianism. Before the CCP's seizure of power, the old hypothesis of inequality was already seriously challenged within Confucianism by Confucian scholars (Huang Zongxi (1610-1695), Gu Yanwu (1613-1682), and Wang Fuzhi (1619-1692), to name only a few). Hence there is one more force that prevents China from turning to the aristocratic hypothesis of inequality. Since no one articulates challenges faced by the hypothesis of inequality in traditional China more clearly than Liang Qichao (1873-1929), I will quote him here at some length, so as to provide a context against which we can better engage with Bai.[14] As a scholar who knows old China well, for all its merits and weaknesses, Liang provided one of the most penetrating diagnoses of the old China:

[13] Daniel A. Bell and Wang Pei suggest that it is not recently, for instance. See Daniel A. Bell and Wang Pei, *Just Hierarchy: Why Social Hierarchies Matter in China and the Rest of the World* (Princeton: Princeton University Press, 2020).

[14] Liang is also a scholar Mao Zedong read repeatedly in his youth.

> Our (Chinese) political wisdom spoke a great deal of 'of' and 'for' [the people], but almost never of 'by' [the people]. We may indeed say that only when the state is the people's state and is for the general interest of the people that there can be "politics" properly understood: Chinese people knew this well and were deeply committed to it. However, the theory which holds that the state should be run by the people never received due attention in Chinese history. We never admitted the legitimacy of the theory [of "rule by the people"], and we talked about treating the people as the legitimate basis of a government, whose purpose is to make the people prosper, but when it comes to the origin of power, we believe that it came from anything but the people. What good did this people-oriented humanism (*minben zhuyi*), which deprived people's right to political participation, bring to China? *This is the weakness of Chinese politics*.....All in all, the ideal form of Chinese politics is the spirit of this people-oriented humanism under the rule of the emperor.[15]

In this passage, a number of things merit our attention: first, Liang conceived of the absence of the rule by the people, in stark contrast to Bai, as the weakness of Chinese politics. Secondly, he believed that monarchy (*dizhi*) and the people-oriented humanism (*minben*) are both constitutive of the old Chinese politics. Thirdly, and this is what we can infer from his diagnosis, the monarchy is compatible with people-oriented humanism and the rule for the people. The paragraph explains why China's abolishment of monarchy was crucial—it is this abolishment that signifies the removal of all other forms of political domination and inequality. Liang's ultimate purpose (which was later altered though) was to create a brand-new China (*xin zhongguo*) grounded on a new basis, especially the basis of *political* equality. Hence his emphasis on political participation and his fierce criticism of rule for the people in the form of people-oriented humanism (*minben*), which can be viewed as a traditional form of political meritocracy.

It is worth emphasizing that Liang's criticism was internal to Confucianism. He was first and foremost a Confucian scholar, and as a Confucian scholar he explored the defining features of traditional Chinese politics. What Liang and many Confucian scholars preceding and after him reveal is that the Confucian organization of politics which was based on inequality could be challenged from within. As many would say, it is this challenge that represents the vitality of Confucianism, and some would even go so far as to claim that this vitality, given the opportunity, could lead China to democracy (as Tocqueville defines it) even without influences from outside. There is no way to verify this speculation, of course, but we can be certain that this vitality of Confucianism help to shake the foundation of inequality hypothesis embedded in Confucian-legalist China, before the CCP eventually abolished it and turned its opposite into a deeply entrenched reality in China.

It is no exaggeration, therefore, to say that China is what it is—a state shot through by the hypothesis of equality, thanks to the joint impact of Confucianism and the CCP. This does not mean that China is already socially and politically equal; it is not, even according to its own standard. But equally true is that today's China is

[15] Liang Qichao, *A History of Pre-Qin Political Thoughts* (*xianqin zhengzhi sixiangshi*) (Changsha: Yuelu Shushe, 2010), p. 5, my translation, emphasis added.

essentially different from traditional China in that no forms of domination can exist without public explanation, and no explanation would work if it appeals to natural inequality characteristic of the aristocracy. Taken together, they create a new social state where various forms of inequality transform from different forms of identification to objects of aversion and are questioned and scrutinized subsequently. This has fundamentally changes the landscape of China: the domestic relations between parents and children, the interaction modes between teachers and students at school, and the understanding of the nature of ruling at different levels, are all reshaped on the basis of the hypothesis of equality.

If nothing else, then, the Confucian political inequality that Bai holds in esteem is the first thing of which China runs afoul. With the desire to overthrow all aristocratic forms of domination, and, equally important, with the setting in of values that come together with China's opening-up and reform (individualism and equality, etc.), the room for viewing some people as naturally superior is shrinking to nonexistence. Today's China, if we borrow a term from Ronald Dworkin, operates on an "egalitarian plateau," at least as far as consciousness is concerned. On this new plateau, the promotion of political meritocracy goes against the very grain of what has been implemented in China, where the social condition created by the hypothesis of equality cannot work together with the normative outlook of Confucian political meritocracy. If the latter were to impose itself on China forcefully, what Mark Warren calls the "crisis of legitimacy" would ensure. In essence, for Warren, this crisis contains a disjunction "between the entire system of ideas and modern experience that leads to a loss of ability to orient toward the world."[16] That is to say, Bai's "system of ideas" of Confucian political meritocracy in the context of China's "modern experience" would result in a crisis in which people suffer the loss of the ability to orient toward the world, for they have no choice but to live in two worlds simultaneously: an egalitarian world rendered unavoidable by the hypothesis of equality and a hierarchical world informed by political meritocracy epitomized in particular by the hybrid regime. Should this crisis come about, the crisis of legitimacy also signals a crisis of political schizophrenia.

6 Two Forms of Political Equality

Bai himself is aware of the significance of the hypothesis of equality in China. That is why he embraces the rule of law and equal human rights—neither of them is possible if the hypothesis of equality is absent. As it turns out, Bai is in two minds about political equality; he is not against all of its forms, as the book title may suggest—that would be a highly undesirable position in the context of the hypothesis of equality. To Bai's benefit, therefore, we can distinguish two forms of political equality. Insofar as he advocates the rule of law and human rights, we can say that

[16] Mark Warren, *Nietzsche and Political Thought*, p. 37.

he embraces *formal political equality*, which includes such forms of equality as the rule of law, equal right to vote, assembly, and press, etc. What Bai is against is *substantive political equality*, which revolves around nothing less than self-governance and rule of the people. For convenience, we can also speak of the former as *liberal (political) equality*, and the latter *democratic (political) equality*. Bai supports the former and abhors the latter.

Once we make this distinction, it immediately becomes clear that Bai's construction of Confucian political meritocracy is something of a half measure. The liberal equality (human rights and the rule of law) he is willing to take on board does not commensurate fully with the hypothesis of equality; it is a partial and incomplete embodiment of the hypothesis. We have yet to see why the dynamic of the hypothesis has a built-in tendency toward full equality (that is, liberal *plus* democratic equality) so that to stop anywhere before it reaches that end must be due to external reasons. For now, it is safe to say that such a tendency is often hampered and distorted in reality by forces that escape democracy. In capitalist liberal democracies, for instance, the tendency toward full equality is hampered by the powerful who alone can benefit from less equality and stand to thrive by making people content with mere liberal political equality—short of democratic political equality. To create a false impression that it is democracy's fault that democratic equality is deteriorating life condition of the people, as well as that democratic governments are incapable of doing what they are expected to do by dint of deficiencies of democracy, the powerful ensures that their privilege stay out of touch of democracy. Insofar as democracy is the one that is made to bear the consequence, to criticize democracy can help the powerful in a roundabout way by providing ammunition to the project of maintaining economic inequality by defaming democracy.[17]

This is not to say that there is a hidden agenda in Bai's Confucian political meritocracy—far from it. It seems to me that Bai's unwillingness to accept democratic political equality speaks to his allegiance to Confucianism rather than his shared position with the powerful, economic or political. The reason why he dislikes democratic political equality is not that it helps to maintain the *status quo* or further empower the already powerful, but that it poses a threat to Confucian political meritocracy. For if democratic equality were widely embraced, Confucian political meritocracy would have had very little chance to become the order of the day—this, more than anything else, is why Bai is against democratic political equality.

What about liberal political equality? If the promotion of political meritocracy is the end, can liberal equality be embraced wholeheartedly by Confucian political meritocracy? This worry naturally arises since there is no guarantee that liberal equality won't pose a threat to Confucian political meritocracy. Thus, one wonders if Bai is also willing to downplay liberal equality when doing so is good for the

[17] See Ellen Meiksins Wood, *Democracy against Capitalism*, Cambridge (New York: Cambridge University Press, 1995); Wolfgang Streeck, *Buying Time: The Delayed Crisis of Democratic Capitalism*, trans. Patrick Camiller (London: Verso, 2014), John S. Dryzek, *Democracy in Capitalist Time* (New York: Oxford University Press, 1996), and Peter Mair, *Ruling the Void: The Hollowing of Western Democracy* (London: Verso, 2013).

survival of Confucian political meritocracy. In Bai's treatment of liberalism, we indeed find this act of downplaying. When Bai suggests revising liberal democracy, for instance, he does not suggest revising liberal democracy in a manner that combines liberalism (which he believes to be a good part of liberal democracy) with Confucianism. Instead, he proposes to alter liberalism in a way so that meritocracy can be promoted. This is why liberalism we find in Bai's political meritocracy is endorsed and yet confined: first, civil liberties are limited so that the check on the meritocratic central government is reserved only to the upper house; the problem of accountability thus is dealt with by assigning some civil liberties to elites and not to the people. And second, the liberal priority of the right over the good is reversed in order to create room for meritocracy—which can be seen as an answer to John Rawls's (whom Bai quotes often in the book) understanding that the priority of the right over the good is "a central feature" of modern state.[18]

One then realizes that Bai supports liberalism and liberal equality only to a certain extent. Since there are some elements in liberalism that serve the function of promoting meritocracy, he supports it within that range. And since there is nothing in a democratic equality that can do the same, or so he believes, he shows no hesitation in throwing it out of the window. But again, does this strategy match the context of the hypothesis of equality that gives rise to liberal and democratic political equality in the first place?

What concerns us here particularly is the relation between Confucian political meritocracy and liberalism's claim to universality (or universal liberal equality), to which Bai very much aspires. Liberalism as we know it began its life in the fight against prerogatives of the monarch, and it secured its victory once it secured the rights of all men. Hence the merit of liberalism does not only come from the hard-won equal liberty, which is often celebrated as the hallmark of liberalism, but from its *formal* and thereby universal understanding of men as equals. It is liberalism that perceives man as formal being stripped of characteristics that it deems irrelevant to man's standing to one another. A claim to universality can then be made—a feat that any substantive understandings, *qua* substantive understandings, cannot accomplish. As far as human rights are concerned, this claim to universality is an integral part of its discourse. Bai seems to embrace universality and support such a discourse without any reservations. But, on the other hand, he subscribes to the Confucian understanding of men that takes men as essentially moral beings and, as such, they must be differentiated into different social ranks according to their different moral qualities—most important among them, of course, is the ruler and the ruled. Small wonder Bai maintains in the book that moral paternalism can be good, hierarchy is not always detestable (87), and "idealistic totalitarianism" can be conducive to the common good of mankind.[19] The difficulties Bai runs into are thus: first, how to align the liberal claim to universality embedded in liberal equality with the Confucian

[18] See John Rawls, *A Theory of Justice*, revised edition (Cambridge: Harvard University Press, 1999), p. 28.

[19] In this regard, Bai goes so far as to rescue the concept of totalitarianism by distinguishing "selfish totalitarianism," a regime that imposes "the private interest of a narrow group (mostly the ruling minority)" upon its people and "idealistic totalitarianism," a regime which is concerned with a "common good" instead of interests (166).

substantive understanding of man, and second, how to promote political meritocracy (or democratic inequality) in a context that is shaped by the hypothesis of equality.

7 The Special Question of Freedom in China

In a modern state where the hypothesis of equality is firmly embraced and deeply entrenched, normative constructions that promote democratic inequality can only be understood as what they are, that is, attempts to reverse course. Instead of making a state more equal by solidifying universal liberal equality and at the same time advancing meaningful democratic equality, such normative constructions aim to make it less equal—that is, to use inequality for what they believe to be good causes. In a society like China where the hypothesis of equality is in force, such attempts, regardless of good intentions, cannot be made good without great costs; the most valuable one, as I see it, is freedom—not necessarily the freedom in the liberal sense, which is not given sufficient significance, but the felt freedom in the existential sense.

It should be obvious by now that Bai's Confucian political meritocracy revolves around the rule of elites instead of the people. As he writes, "we can...hope that the ruling elites who are wiser, more experienced, more virtuous, and with better conditions (time, assistance, etc.) are less susceptible to misinformation than the populace" (90). According to this understanding, those who are less susceptible to corruption and more virtuous can overcome problems of democracy and thereby are the only people eligible to rule. Elites obviously take precedence over citizens in his scheme of things, and he is not shy about it. We may recall the two-tiered structure of the hybrid system: a democratically elected lower house and an upper house consisting of meritocratic Confucian elites. Since those who are elected into the lower house have to get approval from the upper house in order to be legitimate members of the house, democracy and political participation even at the communal level are practically impossible.

The absence of political participation (this participation being something Liang Qichao cherished greatly), therefore, is built into the design of political meritocracy. For Bai, political participation is a misplaced concern, and the real one should be "the excess of democracy." It is revealing when he says that "what [was] meant to be a correction of aristocracy has gone to the extreme, and it [democracy] has given too much voice to the blind popular will" (88). For him, it is political participation and democracy that cause deep worries. But here one senses some tension, which leads to the problem of freedom. On the one hand, Bai believes that popular will is useful in rectifying aristocracy—if aristocracy has to be rectified, by what if not popular will? As Xunzi's dictum has it, "the water [popular will] can carry the boat [aristocracy and monarchy], and it can also sink it." However, almost in the same breath Bai says that popular will has to be contained and that no intrinsic value should be assigned to it. This means that Bai *only* wants to seize upon the usefulness of popular will as a mere means to correct aristocracy: he wants to give popular will free rein so that pure aristocracy can be brought to an end, but he does so only to

make sure that popular will won't go too far and turn "blind." How far is too far? His answer: as far as the good parts of aristocracy allow.

> we need to reintroduce the good aspects of the aristocracy, that is, "aristocracy" in its original sense—rule by the excellent (in terms of both knowledge and certain morals, especially the virtue of caring for others)—and use it to check the excesses of democracy. (88)

A clear picture emerges from this paragraph. We see that the blind popular will is the culprit of all that goes wrong in a democracy.[20] That is why elements of aristocracy need to be brought in again ("*re*-introduced") to help political meritocracy. What Bai concedes in this paragraph is that popular will can undermine aristocracy, so if one wants to make the good aspects of aristocracy stay, one should never allow the popular will to run its own course. Popular will as understood by Bai is capable of overthrowing aristocracy and turning it into full democracy. The tension is evident, then: Bai sincerely believes that there is something wrong with the aristocracy, which motivates him to resort to popular will for a correction; but, on the other hand, he dislikes the idea that popular will can be allowed to have a green light all the way down, for he dislikes the fact that aristocracy can be uprooted by popular will. What he aims for, then, is a combination of an aristocratic regime checked by popular will and an egalitarian regime where popular will is uplifted by the aristocracy—a half measure, indeed.

In a social condition that is informed by the hypothesis of equality, this half measure comes at the peril of freedom. For in this condition the curtailment of popular will is bound to be experienced as curtailment, pure and simple, with no disguise possible to be put in place, so the curtailment itself is bound to be perceived as imposition or oppression. When the good parts of the aristocracy are *not* viewed by the popular will as good, to claim that they are is to claim a moral high ground that only a few occupy. Since they occupy this moral high ground, they alone are entitled to make decisions on behalf of and for the people according to their privileged views and preferences. In a condition like this, we will have to assume that the popular will is of a piece with what the few demands to render the question of freedom irrelevant. This is the assumption we cannot make in China by virtue of the hypothesis of equality, however, and precisely because of this, freedom is at stake. This freedom is the felt freedom in the sense that the already set-free popular will, now plural, will inevitably find obstacles imposed by political meritocracy in the pursuit of what *they*, the people, believe to be the worthy ends. In every domain the hypothesis of equality touches people simply won't accept that the "wiser, more experienced, more virtuous, and with better conditions" should rule. When Pandora's box of popular will is open, that is, political meritocracy cannot function as if the hypothesis

[20] Bai seems to associate blind popular will with the problem of democracy. But we should be careful not to confuse popular will with populism, the latter being aroused by the decline of democracy, not the opposite. Here Cristina Lafont's reminder is in order: "the generalized desire to 'take back control' is animating the current rise in populism." Cristina Lafont, *Democracy without Shortcuts* (Oxford: Oxford University Press, 2019), p. 2.

of equality never exists. Failing to satisfy this crucial condition, the pursuit of the meritocratic good is doomed to cause the deprivation of freedom.

8 A Two-front Battle

Now, with more clarity, we can see what kind of battle Bai is fighting. He is fighting a two-front battle. On the one hand, he strives for the Confucian aristocracy, which encourages paternalism and qualitative hierarchy between people, for the sake of a meritocratic government—for this, he has to take as an enemy the value of democratic political equality, popular sovereignty, and self-governance (51); on the other hand, he is determined to safeguard universality to make his proposal appealing not only to people who are influenced by Confucianism but those of different social, cultural, and ethnic backgrounds—for this, he has to embrace the idea of universality and to make his version of Confucianism thin enough, for only then can it be attractive to all under heaven (*Tianxia*; chapter 7).

We have seen how Bai fights the first battle and briefly alluded to the second. Now we can devote some more time to the latter. In making political meritocracy a viable alternative to democracy and appealing to all under heaven, Bai is determined to make Confucianism "thin enough" to render it competitive vis-a-vis democracy. To this end, he has to downplay the substance constitutive of Confucianism, that is, to make Confucianism increasingly less Confucian until it reaches a point where only the meritocratic *structure* is left. If he failed in this attempt, he would fail to claim universality for Confucianism, and that is the end of the political meritocracy at the international level, for people of different social, cultural, and ethnic backgrounds would surely find it normatively undesirable. Given this, it is not surprising when Bai writes that "the fact that the American regime at its founding can be considered a *Confucian* hybrid regime supports the universality of the latter." (94, emphasis added) This rather odd statement ceases to be so only when we take a brief look at what James Madison proclaimed in *Federalist* No. 57: "the aim of every political constitution is, or ought to be, first to obtain for rulers men who possess most wisdom to discern, and most virtue to pursue, the common good of the society; and in the next place, to take the most effectual precautions for keeping them virtuous whilst they continue to hold their public trust."—this is exactly what Bai's political meritocracy aims to achieve. Only when we take substance back into consideration does it become strange that Bai's Confucian political meritocracy is equated with American federalist republicanism.[21]

In fighting this battle, then, Bai puts himself in a very vulnerable position. It is difficult to safeguard the claim to universality and those elements constitutive of

[21] Historically, there is the same "downward escalator" from American federalist republicanism to its current form of democracy which Bai criticizes. One wonders what explanations Bai would give to this trend. Can he be confident that what happened to the Federalists' republican meritocracy will not happen to Confucian political meritocracy?

Confucianism at the same time. If he wants to make Confucianism thin enough to ensure political meritocracy's universal appeal, he has to get rid of all that defines Confucianism, for that is what "thin enough" means for universality. And if he wants to be truthful to Confucianism, he then runs the risk of not being able to claim universality for Confucian political meritocracy. Insofar as there is no stopping point on the slippery slope of equality, then, Bai refusal to choose between aristocracy and democracy deeply trapped him. In the end, he is on the side of the aristocracy, not in between as the term of hybrid regime suggests. As long as the communal democracy is at the mercy of higher authority from the central government, it will by no means be responsive to the interests of residents at the communal level and it is bound to be more responsive to the above than to the below, as political meritocracy demands. In this case, he opts for *Confucian* meritocracy instead of the universal appeal.

9 China Between Two Worlds

Bai's Confucian political meritocracy, as he concedes, is inspired by the early Confucianism and the rise of China. As far as the latter is concerned, what Bai provides in the book is, indeed, a mirror image of rising China. There is an increasingly visible gap between political inequality and a new condition of life shaped by the hypothesis of equality, as close observers of China would say. Due to this gap, China is caught between the old (aristocracy) and the new (democracy), the material (political inequality) and the spiritual (hypothesis of equality). In such a situation, inequality cannot be allowed to function openly, so that whatever the character of its ruling China cannot officially announce itself as meritocratic. And due to the character of the CCP, China cannot attach positive meaning to individualism and liberation of self-consciousness, even though the corresponding practice is allowed to exist in daily life especially after the reform and opening-up era. For to do so is to declare the irrelevance of the party's tutelage and to claim that the prosperity of Chinese people can do without the presence of the party. This cannot be allowed to happen, even its possibility cannot be allowed to enter into the consciousness of the people.[22]

In the end, what China does in the political domain cannot be officially associated with the value of inequality, and what is allowed to exist in the social sphere cannot be openly embraced as what it is (individual freedom). Bai's Confucian political meritocracy reveals this deep secret. His Confucian political meritocracy, however, won't be able to rescue China from this predicament. As we have seen, it pulls the system of ideas further away from experience and thereby deepens the crisis of legitimacy and causes the problem of freedom.

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[22] For a description and analysis of the gap in China that causes severe problems including moral crisis, see Jiwei Ci, *Moral China in the Age of Reform* (New York: Cambridge University Press, 2014).

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