# Democracy without Autonomy: Moral and Personal Autonomy in Democratic Confucianism

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The presence and absence of autonomy in Joseph Chan's democratic Confucianism loom large, but not always in the ways that he maintains. Although Chan claims that his reconstruction of Confucianism for modern democracy can accept some forms of moral autonomy, what he presents does not constitute genuine moral autonomy, and the absence of that autonomy sits in tension with some other aspects of his model. When it comes to personal autonomy, it is the opposite: Chan says that the exercise of personal autonomy can be part of a life well-lived but is not strictly necessary and can be outweighed by perfectionist considerations of well-being and ethics; however, his model incorporates and relies on the exercise of personal autonomy and leaves room for its intrinsic value.

*Moral Autonomy*

According to Chan, Confucianism can accept moral autonomy as (1) a voluntary endorsement of morality and (2) a reflective engagement in moral life, but cannot accept moral autonomy as (3) self-legislation or as (4) radical free expression of the individual's will (Chan 2014, p. 132),[1] on the grounds that they locate the source of the moral law in individual persons themselves, either legislated by reason[2] or residing in free choice or individuality.[3] Although the expression of moral will is essential in behaving morally and is required in order both to voluntarily endorse and to reflectively engage with morality, the Confucian view of morality holds that "individuals do not choose the content of their moral will" through either reason or their desires and preferences, because morality is "grounded in human nature or Heaven . . . [and] it is an independent substance that judges all individuals" (p. 143). In contrast to some other conceptions of morality, Confucian morality is heteronomous—it is located outside the individual and is to be apprehended by the individual, not created.

   Although Chan makes it clear that he does not want to make any definitive statements about whether or not moral autonomy is found in Confucian ethics, since he is interested only in which "elements in Confucian ethics . . . are [also] present in other common conceptions of moral autonomy" (p. 132), it is important to ask whether these elements do amount to a robust conception of moral autonomy, given the other demands of democratic Confucianism, and it turns out that the aspects of moral autonomy that Confucianism can accept do not rise to the level

of genuine moral autonomy. Instead, they are, respectively, *morality* and *intelligent morality.*

Without voluntary endorsement, one cannot even be said to behave morally: without the actual intent to behave morally, a positive act is merely action *consistent with* morality, regardless of whether the act is performed instinctively (without thought), instrumentally, or for other reasons. Reflective engagement examines the reasons behind the moral principles and practices, rather than simply accepting them, and demonstrates a more intelligent and thoughtful possession of morality. Both (1) voluntary endorsement and (2) reflective engagement are necessary to be morally autonomous, but they are only part of the process and on their own do not constitute forms of moral autonomy.

A conception of moral autonomy has to locate the source of the moral law in the moral agent. Autonomy comes from *autos* (self) and *nomos* (law or convention)—self-legislation, which requires but is also more than voluntary endorsement or reflective engagement with morality. As such, there is no genuine moral autonomy in Chan's reconstruction of Confucianism either. This is reinforced by his classical ideal of moral development:

> If one has reached the highest point of moral development, one does not need much reflection to know what to do and how to behave correctly. At this point, moral action simply flows naturally from an established virtuous disposition, without difficulty or hesitation. But to reach that stage, one needs a high level of moral training, including learning, reflection, and habituation, and this is reason for the importance of reflection. (p. 140)

While it is true that someone so wise that he can just naturally act with virtue "without difficulty or hesitation," without thought or consideration, would have had to undergo lengthy and strenuous education and repeated practice, the moral ideal once reached would no longer require any moral autonomy (e.g., reflective engagement). It would just be the practice of morality.

*Tension between Moral Determination and the Importance of the "Gentleman"*
This absence of genuine moral autonomy in democratic Confucianism is problematic because it is also not clear that Chan's acceptable elements of moral autonomy are enough even in the ideal. In an ideal world, there would still be sages as rulers because the people would not be capable of ruling themselves,[4] and the Confucian masters would probably never expect them to achieve sagehood.[5] Even if the common people always act virtuously within their realistic means, they will present different and new problems and situations for the rulers to address, which means that rulers must continuously practice the kind of flexibility and adaptability that morality requires (pp. 15–17), as well as make reflective judgments on ways of expressing the value norms, which rites are appropriate when, and how the expressive rites might change with the circumstances. After all, even fundamental rites

should be reflected on rather than followed blindly . . . [and] rites as norms of conduct are often too general to give precise guidance on how to make concrete moral decisions in particular circumstances. Situations arise that are unique and without precedent, as well as borderline and complex—in which certain rites conflict with others—and these call for reflective judgment and moral discretion. (p. 139)

Moral action needs to be realistic, flexible, and cognizant of circumstances, even as it adheres to heteronomous law. Human beings being what they are, even in a traditional world that never changes or evolves only very slowly, each circumstance will be a little different and there will always be a new situation that the sage has never encountered that will require reflection, judgment, and adjudication between competing values; this will be even more true of present-day contemporary societies, which change fairly rapidly. So those reaching the pinnacle of moral development must continue to engage with their morality, and moral action can never "simply [flow] naturally from an established virtuous disposition, without difficulty or hesitation."

In fact, this is why Xunzi and other Confucian thinkers believed that even though rituals and moral principles (prescribing the roles and functions of all members of society) lay the foundation for society, it would not be enough simply to follow that basic framework and codify those principles into a set of social and political institutions to be managed by a lesser wise man. Says Chan, "leadership has a comparative advantage over the laws and methods of governance that Sage Kings have established over time. . . . [T]he 'model' of governance *(fa)* established by Sage Kings, however perfect it may be, cannot itself apply and create order in society" (p. 58). He continues, quoting Xunzi:

There are men who can bring order about, but there is no model that will produce order. . . . The model cannot be established alone, nor can its categories for analogical extension apply themselves in particular instances. . . . The model is the first manifestation of order; the gentleman is the wellspring of the model. (*Xunzi* 12.1)

Chan says elsewhere that Confucians "understand very well that *agency* matters a great deal in political rule" because the personal qualities of officials, such as trustworthiness, can either undermine or enhance their authority (p. 40), but how are traits like trustworthiness cultivated and conveyed? They are both developed and expressed through continual engagement and repeated practice with ever-new situations. This must be done continuously, as virtue can always, and easily, be lost. Even if the moral law is a heteronomous ideal to be apprehended, the moral life is not an object that, once grasped, will stay in one's grasp. Even with the proper principles, active judgment and leadership are always needed, so the culmination of moral development as requiring very little reflection for the sage does not seem consistent with other aspects of Confucianism.

*Could There Be Some Form of Actual Moral Self-legislation in Confucianism?*
The kind of continual judgment and leadership required, however, constitutes more than just reflective engagement with morality. Interpreting the rites, deciding how

and when they should be applied, and sometimes rejecting them will require actually developing one's own conception of the moral law. As Chan says, these principles and rites are very general, so they need to be developed for actual use in the world and when circumstances are new and changing, which is the nature of the modern world we are dealing with now.

Although moral autonomy of the Kantian (or Rousseauean) and existentialist types locates the moral law within the moral agent himself, and these are probably the strongest conceptions of moral autonomy, it may be possible to be self-legislating even if the moral law is heteronomous and comes from nature or Heaven.

For example, Rawls develops a thin notion of autonomy in *Political Liberalism,* premised on a "political conception of the self," that does not require the comprehensive doctrines of a Kantian notion of autonomy as self-legislation through reason or a Millian emphasis on individuality. In contrast to the "constitutive autonomy"[6] of Kant, for example, "doctrinal autonomy" is a weaker form of self-legislation that "represents, or displays, the order of political values as based on principles of practical reason in union with the appropriate political conceptions of society and person" (Rawls 1993, p. 99):

> Autonomy is a matter of how the view presents the political values as ordered. . . . *A view is autonomous . . . because in its represented order, the political values of justice and public reason (expressed by their principles) are not simply presented as moral requirements externally imposed.* Nor are they required of us by other citizens whose comprehensive doctrines we do not accept. *Rather, citizens can understand those values as based on their practical reason in union with the political conceptions of citizens as free and equal and of society as a system of fair cooperation. In affirming the political doctrine as a whole we, as citizens, are ourselves autonomous, politically speaking.* An autonomous political conception provides, then, an appropriate basis and ordering of political values for a constitutional regime characterized by reasonable pluralism. (ibid., pp. 98–99; emphasis added)

Rawls develops this category in the course of constructing a non-comprehensive form of liberalism (political liberalism). But might comprehensive doctrines (e.g., the Abrahamic religious faiths, utilitarianism, Kantian liberalism, or even Confucianism) possess something like this weaker form of moral self-legislation: moral autonomy as doctrinal autonomy?

One possibility may be Locke's defense of liberal constitutionalism. Locke starts with a conception of the person as free and equal, which is shown to us by both revelation and reason, and then proceeds from this conception to derive political principles through the use of practical reason. His defense of liberal constitutionalism would not, of course, be autonomous in the constitutive sense, because he considers human freedom and equality to be gifts from God, not products of human beings' own practical reason. Locke believes that divine law and natural law (which is arrived at through political constructivism) are consistent, so there is no question of priority of one over the other (*First Treatise*, ch. 4; *Second Treatise*, ch. 5; *Essays on the Law of Nature* III and IV).

However, Locke's defense of liberal constitutionalism could be considered a constructivist project and therefore autonomous, in a limited doctrinal sense:

> When [divine law and natural law] appear to be in conflict . . . Locke almost invariably (re)interprets Scripture so that it is consistent with natural law; this interpretive strategy is particularly evident in his defense of private property against scriptural evidence of original communism in God's grant to Adam. So Locke's exegesis effectively gives priority to practical reason over revelation, just as required by political constructivism. (Taylor 2011, p. 260)

Even though the moral law is set by God, it is also derived through reason, and Locke then generally privileges natural law over revelation when it comes to deriving principles of morality.

Confucianism might find some commonalities, as the moral law is set by nature or Heaven, but it requires that *people* develop an understanding of moral principles, duties, and rituals, and, in fact, ritual and moral principles are "*created and perfected by the gentleman or sage*" (Chan 2014, p. 57; emphasis added), including the "roles and relationships [that are] the backbone of society," such as those of the "lord, minister, father, son, older brother, younger brother, farmer, knight, artisan, and merchant" (ibid.). As mentioned, "the gentleman is the wellspring of the model."

In addition, the will is very important in Confucianism. In Chan's own words, drawing from Mencius and Xunzi:

> The idea of a great man (or woman) having an independent will and remaining true to it against all odds presupposes the belief that one should act on one's own best understanding of morality. *A great man is one who forms an independent moral will and takes control of his own moral life.* In moral life, he follows nothing but the moral principles that he reflectively endorses and the moral will that he develops. (Chan 2014, p. 142; emphasis added)

If this was true for the traditional society that Confucianism grew out of, then so much more the case for the diverse, modern societies for which Chan reconstructs Confucianism. These circumstances require judgment and reason in order to sort out *what* an orderly world looks like and what one's roles and duties are in it, in addition to how these duties should be acted upon.

While Chan makes it clear that individuals "do not choose the content of their moral will" because "it is an independent substance that judges all individuals" (p. 143), there is a kind of moral study, reasoning, and development that goes beyond reflective endorsement, and might be said to constitute some form of self-legislation through practical reason, even if the source of the law ultimately rests in an external fount. This kind of self-legislation in Confucianism will not be undertaken by everyone,[7] but it could plausibly constitute a weaker form of moral autonomy as doctrinal autonomy that is more than just reflective engagement and is essential to the development, understanding, and implementation of the moral law. It is also the case that some form of moral autonomy is essential in democracy, as will be discussed below.

*Personal Autonomy*

Although there is no personal autonomy in traditional Confucian theory, Chan says that it "is an important independent value today." A mild and modern form of personal autonomy is a critical component of a good life, so Confucianism should incorporate some conception of personal autonomy in order to "make [itself] more attractive and more adaptable to the conditions of modern society" (p. 155).

A reconstituted Confucianism would, however, decline to endorse personal autonomy insofar as "the idea [is] that people should be the authors of their own lives," he says, citing Steven Wall's description of personal autonomy as an example:

> It is the ideal of people charting their own course through life, fashioning their character by self-consciously choosing projects and taking up commitments from a wide range of eligible alternatives, and making something out of their lives according to their own understanding of what is valuable and worth doing. . . . In short, autonomous people have a strong sense of their own identity and actively participate in the determination of their own lives. (Chan, p. 152; Wall 1998)

This idea of personal autonomy leads to liberalism's endorsement of individuality, and requires "an availability of options that the agent regards invaluable" from which to choose (e.g., religion, association, education, marriage, or career).[8]

The intrinsic value of personal autonomy cannot be accepted by Confucianism, however, as Chan rejects the conception of personal autonomy as personal sovereignty (e.g., by Joel Feinberg) and denies that it is a moral right, because Confucian theory

> gives a content-dependent justification for freedom. Lacking the idea of personal autonomy, Confucians would justify freedom only on the grounds that it allows people to pursue the good. That we should be free to do *x* is because *x* is good, not because the freedom to do so expresses or realizes personal autonomy. . . . If we should not interfere with people's freedom to do *x,* it is mainly because coercion will not help people achieve the good. Coercion frustrates moral autonomy, which is a precondition of the genuine pursuit of the moral good. In this case, the freedom to do *x* is merely tolerated, not positively valued. (Chan 2014, p. 154)

Chan notes that personal autonomy can exist "in degrees—one can be more or less autonomous," so its value does not have to be absolute. Moreover,

> A contemporary version of Confucian political theory could welcome a moderate version of personal autonomy, treating it as one value that competes with, and at times can be outweighed by, such other values as well-being and ethical ideals. This moderate version makes Confucianism sensitive to people's autonomy without categorically placing personal autonomy over and above other values and thus preserves Confucian perfectionism. (p. 156)

In this moderate version, reflected in the moderate-perfectionist form of Confucianism that he advocates,

*the state may appeal only to specific judgments about the good life, not comprehensive doctrines.* The state should promote specific valuable good things, such as the arts, family life, and basic human virtues, and discourage people from ways of life that are highly deficient in these things. Moderate perfectionism does not seek to make fine-grained comparative judgments on many different ways of life. It looks at the broad social trends and environments that undermine or promote the good life and considers if any state action is necessary to create conditions conducive to its pursuit . . . [and] promote[s] Confucianism in a piecemeal way." (pp. 200–201; emphasis added)

I speculate that actual policies might include tax breaks for married people or those whose dependents include their parents, or more generally use the soft paternalist technique of "nudge" to induce certain desired behaviors. This still leaves a lot of room for personal autonomy, which Chan says is an important, but nonetheless only one, value among many.

### How Much Autonomy Does Democracy Require?

Is democracy possible without moral autonomy (understood as doctrinal autonomy or political self-legislation) and personal autonomy? It is true that neither is necessary for democracy, narrowly speaking. But Chan's understanding is that democracy is not just the basic set of procedural institutions, but rather a more ambitious doctrine that seeks to protect people from the abuse, corruption, and tyranny that history has shown to be inevitable when rulers are unconstrained. Democracy is a means to an end, and that end is a society in which people live not just virtuous lives but lives that are also safe, perhaps commodious, and free from oppression. It would be a society consistent with at least Judith Shklar's minimalist liberalism of fear, and perhaps even some slightly more demanding forms of liberalism.

Confucian democracy is obviously not grounded on the intrinsic value of the individual, but both Confucian democracy and liberal democracy can agree on the importance of liberty of conscience. One of the primary goals of liberal democracy is to protect the exercise of conscience, and therefore personal autonomy. People must freely choose (or at least endorse) their religious beliefs and moral doctrines, regardless of what their ultimate source is. There is a strong tradition in liberalism that believes that genuine religious belief cannot be coerced, and Confucianism would agree, even on matters of morality. So if Confucianism finds democracy appealing, but democracy is attractive for reasons that include the intrinsic value of personal autonomy, then it may have to accommodate a larger role for personal autonomy.

In fact, personal autonomy is important to Chan's own Confucianism in several ways. First, Confucians hold that belief in the Confucian ethic cannot be coerced—it must be willingly accepted. Chan says that "Confucianism would justify freedom only on the grounds that it allows people to pursue the good" (p. 154), but at the same time, belief in the proper morality and acceptance of the ruler's authority cannot be coerced. Morality must be embraced for its own sake, and an act that is consistent with the right thing to do is only moral if it is properly motivated: "Proper appreciation and endorsement of the demands of morality [are] absolutely essential,"

because "what is morally significant is the cultivation of moral lives and virtues as a whole, and not merely the performance of right acts" (pp. 137–138).

Furthermore, ideally, neither should obedience to political rule be coerced: "The service conception [of authority] states that the people—the ruled—have worth independent of the ruler-ruled relationship" (p. 30). Moreover,

> authority is also a kind of *relationship* or *bond* between the ruler and ruled. . . . [W]hat makes the relationship truly authoritative is not just the ruler's ability to protect and promote the people's well-being, but the willing acceptance of his rule by the people. (p. 36)

> Authority is based on the people in the *ethical* sense that authority ultimately resides in the 'hearts of the people'—*bona fide* authority can only be accepted, recognized, and willingly complied with by the people. Confucians recognize that the willing acceptance of the people cannot be obtained through might or institutional office alone. To be truly authoritative, an officeholder must win the hearts of the people. (p. 37)

The relationship is "mutual—political authority has to be earned, and submission must be sincere and willing. . . . Confucian masters view this relationship as ethically valuable and satisfying in itself" (p. 39). Just as one cannot legislate or compel genuine religious belief, neither can one coerce respect. Reflection is encouraged, even required, for

> the primary task of reflection is not to find the Way by critically assessing all competing thoughts, but rather to help us arrive at a deeper and more genuine understanding of what is already known. . . . [It] does not necessarily require the soil of a free, open society in which all ideas can compete on an equal footing. Confucian moral reflection is not identical to free, critical, dialectical thinking. (pp. 150–151)

Even with all this, so far we have only voluntary endorsement, with neither moral autonomy nor personal autonomy required.

Second, however, there seems to be some value in the individual's *choosing* in modern Confucian democracy, in which "the state may appeal only to specific judgments about the good life, not comprehensive doctrines," as noted above. Although Chan says that the value of personal autonomy can be outweighed by considerations of well-being and ethics, one of the premises of democracy is that individual preferences matter, and one's autonomy should be both exercised and recognized to some extent (through the democratic political system).

This raises a crucial question: what happens in cases when the population freely chooses a policy that is damaging to itself? This is not a situation of "tyranny of the majority," in which a majority of the electorate chooses a policy that is harmful only to a subset of the rest of the population; rather, these are cases when people might be said to "vote against their own interests," for example as is commonly claimed in the U.S. by Democrats about the working poor who vote for Republicans, or in Hong Kong about the working poor who supported the 2014 political protests against the proposed 2017 chief executive election scheme.

Whether these decisions really act against the agents' own interests is debatable, but let us assume that they do. Of course, in a Confucian democracy, people should

choose according to their best judgments and not merely their preferences, but mistakes will sometimes be made. What would justify allowing these decisions to stand? Chan might say that restraint under these circumstances is required by Confucian civility. Yielding to these choices would not be a case of civility, however, as civility is about fostering good relations *between* people. If the democratic political system takes precedence, then a certain amount of this self-harm must be tolerated, but on what basis? There is little justification for it except that individuals' preferences and interests are legitimate, on the grounds that these are their own preferences. One could say that yielding to their preferences (within limits) has instrumental value because it will help teach them to make better decisions in the future. There is no guarantee that their judgment will improve, however, and in truth it can be difficult for people to learn from their electoral mistakes, especially when the effects of entering the voting booth are felt so diffusely.

Another moderate perfectionist response would be to emphasize the importance of the *process* of having a high-quality discussion on the way to these judgments. While the procedural fairness is important, a careful and sophisticated conversation about the complicated policy needs of an equally complex society (effectively, a deliberative democratic process; see Chan 2000, pp. 33–37) can also promote not just thorough analysis but also, perhaps, empathy, conscientiousness, generosity, patience, and humility—all important Confucian virtues. Even with a high-caliber discussion, wrong decisions can be made, so the question remains: which takes precedence in cases of conflict—the process or the outcome? Is an edifying process of deliberation enough to let democratic mistakes stand?

Certain kinds of perfectionists—for example, J. S. Mill, who is primarily focused on the development of particular character traits and allows for a variety of conceptions of the good—can credibly say that the process itself is so critical that some mistakes in democratic deliberation must be tolerated. In fact, Mill emphasizes the importance of not just theoretical experimentation and constant questioning of convention, but also practical experimentation in ways of living:

> As it is useful that while mankind are imperfect there should be different opinions, so it is that there should be different experiments of living; that free scope should be given to varieties of character, short of injury to others; and that the worth of different modes of life should be proved practically, when any one thinks fit to try them. (*On Liberty,* chap. 3)

—knowing full well that in the course of doing so, egregious mistakes will be made. A liberal perfectionism that allows for multiple conceptions of the good is quite unusual, however, and, like most other forms of perfectionism, even a moderate democratic Confucianism holds an objective account of the good. Therefore, even if it takes a long time to get there, the outcome ultimately matters in a way that will put limits on democratic license, and sits in tension with Chan's robust defense of democracy.

Democracy does not seem to be the best form of governance for Confucian moral development, so why safeguard democracy to such a degree? One could argue for another instrumental reason: that it helps ensure the long-term survival and

stability of democracy, which is in turn instrumental in reducing oppression and increasing well-being. Assuming that we are talking about some form of democracy that robustly protects people's well-being (whether through constitutional restraints or some other mechanism),[9] democracies can be more or less elitist, more or less managed. For example, the courts can be more or less aggressive in intervening in a policy of establishing objective standards. How would a democratic Confucian respond to this? How much would he be willing to trade off allowing people to make their own political decisions against getting the "right result?" How far you are prepared to go is how much you are committed to the perfectionist ideal and how instrumentally you see democracy. But assuming that there would still be some democratic expression left, that remaining space is where the intrinsic value of personal autonomy lies. This residual territory is an acknowledgment not only that people are reasonably good judges of their own interests, but also that the fact of preference confers some legitimacy to the decision, and such preferences serve as some kind of touchstone with which to judge rulers. It is not clear how large that space would be, but whatever its size, when democratic Confucianism accepts (to a certain extent) the legitimacy of the individual's preferences even when he harms himself, it acknowledges some intrinsic value in the individual's act of choosing.

Third, under another structural constraint of a non-comprehensive democracy, if the modern state should not promote Confucianism as such in public life, how would people become more Confucian in a system that would still have a fair amount of competition between reasonable doctrines?

Confucianism *wants* to promote perfectionism in the public sphere, and Chan says it can do so in certain ways: "I think that Confucianism can be actively and publicly promoted in society. It can be promoted by citizens in civil society, businesspeople in commerce, and even politicians and state officials in the political arena" (p. 200).

The state itself, however, is constrained because in the factual context of a "modern, pluralistic" world, promoting comprehensive doctrines damages "civility." "Civility is the attitude of fellow citizens toward each other that shows a concern for the *common bond* despite differing opinions or conflicts of interest" (pp. 200–201). It is a crucial virtue in Confucianism, and it requires a certain deference to others "in order to preserve social harmony," because, according to Confucius, "the gentleman seeks harmony not sameness" (*Analects* 13.23) Therefore, according to Chan, the modern state should not promote Confucianism as a comprehensive doctrine.

Does this make sense as a strategy for a modern democratic Confucianism that still has an objective and comprehensive view of the good life?[10] Setting aside whether or not people actually would find the path to a Confucian way of life in the absence of state sponsorship—under the constraints imposed by Chan on himself (that some form of democracy is non-negotiable, for instrumental reasons), the only way for Confucianism to be promoted and accepted is for people to exercise their moral and personal autonomy to do so. So the exercise of moral and personal autonomy is necessary and intrinsically valuable because only that can get a person to genuine Confucianism in a pluralistic system that allows for the free exchange of ideas and varying pursuits of the good life. The sincere practice of

democratic Confucianism requires a kind of "freedom of conscience," which is a part of personal autonomy. Although Chan does not give it priority, his modern Confucianism has implicitly incorporated and relies upon some intrinsic value of personal autonomy.

*Implications for Democratic Confucianism*

Confucianism cannot accept radical expression of the will as moral autonomy or personal autonomy, and freedom of conscience is not intrinsically valuable to democratic Confucianism, says Chan, but perhaps it needs to be a central, intrinsic value. Chan is concerned that accepting the idea of personal autonomy would "fundamentally change the nature of Confucianism as a political theory." Confucianism's perfectionism means that the goal of the state is to help people pursue moral lives, and the state should use a wide variety of means to do so—in its educational system, legal code, distributive practices, promotion of and engagement with social groups and civil society, and so forth:

> Given its ethical concerns and its conception of the aims of politics, Confucianism would not categorically reject moralistic or paternalistic state interference in people's lives. This major feature of Confucian political theory would have to be abandoned if personal sovereignty were implanted into Confucianism. (pp. 155–156)

At the same time, however, moral autonomy (as doctrinal autonomy) and personal autonomy are intrinsically valuable to democratic Confucianism in specific ways. The moral life is lived not just through the good act—it is also a life of good intention; and one must also freely choose the intention in order to intend sincerely. This requires autonomy, because in the kind of pluralistic democratic society that Chan advocates, one cannot just voluntarily endorse the moral theory because there are many from which to choose. In order to act and intend the moral justifications for the goodness of the act, one must first choose and derive the relevant moral principles for use in this pluralistic context.

Acknowledging the necessity of moral self-legislation and the exercise of personal autonomy would open the door to all sorts of other criticisms and revisions about other central aspects of the theory, which is something Confucians want to resist—perhaps that is why they have closed it. I will set aside the questions about what this will do to the internal coherence of Confucianism, and ask instead: are there any ways of accommodating personal autonomy? (I have already suggested a possibility for moral self-legislation above.)

When it comes to personal authenticity, in fact, only some types of liberals would champion the kind of intense personal engagement with the dialectic that Chan describes, for example Mill—even he sets restrictions, namely the Harm Principle, and also allows for interference with "barbarians." Many other liberals (e.g., John Rawls pp. 190–195, Michael Walzer, and Charles Taylor) would argue that there are limits to liberal neutrality and therefore the equal competition between all ideas; liberalism cannot be neutral all the way down because it needs to preserve the very institutional foundations that make liberty possible. Yet they would still advocate free dis-

cussion and allow for a fair amount of diversity in ways of life, even as the range of possibilities is bounded, and still accommodate moral and personal autonomy.

So there is a large middle zone between the state-sponsored promotion of Confucianism as a comprehensive doctrine and the "free, open society in which all ideas can compete on an equal footing," which most liberals would stop short of anyway. Given that somewhere in this middle ground is where Chan wants his democratic Confucian perfectionism to take root, it would require that people exercise both moral autonomy (in the doctrinal sense) and personal autonomy in order to embrace Confucian belief. So a democratic Confucianism, even if it is not grounded in liberal rights, would still require some moral and personal autonomy. The question, then, is how much the reconstructed Confucianism hinges on the rejection of these forms of autonomy and what happens if it is forced to accept some form of each as, respectively, essential and intrinsically valuable.

There are some proponents of the importance of virtue in politics who also accept the intrinsic value of personal autonomy, and they might offer some way of accommodating both. The most obvious is Mill, whose advocacy of personal experimentation and authenticity was coupled with the essential importance of knowledge and virtue at every level—in politics, in business, in marriage, and so forth. Another possibility might be the American founding fathers, who were intensely concerned about virtue (and the lack thereof) in society and governance; they did not speak of personal autonomy as such, instead talking about it in religious terms, such as the liberty of conscience or finding God in your own way, because religious belief has no value unless one comes to it upon one's own reflection[11] (e.g., see Jefferson and Madison). Obviously, Confucianism is not a religion, but some analogies might be made in the approaches.

Moral and personal autonomy are at least instrumentally necessary to the maintenance and operation of democracy, if not intrinsically important. Not all aspects of Confucianism and democracy can be reconciled, of course, which is what makes the project all the more important and interesting. Confucian democracy must come to better terms with both moral and personal autonomy, however; but in doing so, it may need to make even more difficult choices between Confucianism and democracy.

Notes

1 – Item number (3) can be further divided into individualist (Kantian) and collectivist (Rousseauean), while (4) is existentialist.

2 – "Reason does not discover or endorse moral principles derived from elsewhere, it performs the function of legislation—it originates and validates the moral law" (Chan 2014, p. 136).

3 – "Self-legislation is understood as a thoroughly subjective process unconstrained by any factors other than one's own reflection based on one's desires, ambition,

and personal circumstances. Morality and moral choices are made by one's self—the existentialist and not rationalist self, for the latter does not truly represent the individual. Morality and moral choices are therefore necessarily subjective" (Chan 2014, p. 136).

4 – Although everyone has the potential to become a sage, "The trouble with a man is surely not his lack of sufficient strength, but his refusal to make the effort"; "The Way is like a wide road. It is not at all difficult to find. The trouble with people is simply that they do not look for it" (*Mencius* 6B2) and "cannot be induced to do so" (*Xunzi* 23.5b) (both quoted in Chan 2014, p. 11).

5 – "[I]n any case, the political vision of a true king does not require common people to attain this level. So, unlike the Way of the true king, the high moral ideal for ordinary people remains, on the whole, an aspiration rather than an enforceable blueprint" (Chan 2014, p. 12).

   The *Book of the Han* (*Han shu* 漢書) and the *Book of the Later Han* (*Hou Han shu* 後漢書) indicate that "rulership, or political authority, is necessary because people cannot govern themselves. Heaven therefore established lordship to govern them *(zhi),* teach them *(jiao),* and shepherd them *(mu)*" (Chan 2014, p. 53).

   According to Xunzi, the ability of people to cooperate along with their propensity to compete means that, as Chan puts it, "the key to successful collaboration is that people are willing to accept their roles and divisions and accordingly constrain their desires. Xunzi argues that this is only possible if social distinctions and hierarchy are arranged by *yi,*" which roughly translates into duty, moral duty, or morality. Therefore, "rulers are those who are able to organize people into a society and assign them proper roles and stations, and under whose leadership the world is properly ordered to benefit the 'myriad things' on earth" (Chan 2014, p. 54).

6 – "[T]he order of moral and political values must be made, or itself constituted, by the principles and conceptions of practical reasons. . . . [T]he so-called independent order of values does not constitute itself but is constituted by the activity, actual or ideal, of practical (human) reason itself" (Rawls 1993, p. 99).

7 – Not because the common people are incapable, but because they do not make sufficient effort; see note 4 above.

8 – Note that the same range of options is not required in order to be *morally* autonomous as Chan defines this (p. 153).

9 – It is often said that democracies are reasonably good at not oppressing people, but that is not the case—the many examples of illiberal democracies can attest to that.

10 – Unlike utilitarianism, which might be able to plausibly say that acting from non-utilitarian motives in the political context might better maximize utility (i.e., an esoteric form of utilitarianism), such that politics and ethics *appear* to

be separable, the nature of Confucian perfectionism would not be realistically served by a similarly esoteric approach.

11 – They did not, however, have a conception of moral autonomy in the Kantian sense, as they believed that all moral law came from God/nature.

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