

Do Confucianism and the concept of a 'horizontal hierarchy' offer elements to repair possible flaws of Liberal Constitutional Democracy?

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Abstract

This article addresses 'difference blindness' in Western liberal constitutional democracies and examines how Confucianism recognises difference in a 'horizontal hierarchy' and how Eastern cultures in this tradition seek an accommodation between Confucianism and incoming liberal ideas. I examine how these Confucian concepts, if introduced into liberal democracies, might repair certain flaws, and propose that liberalism could benefit from such innovative moderation of some of its traditional commitments to 'difference blindness' in representation, equality and rights. This novel transformation, adopting elements of a Confucian 'horizontal hierarchy' and associated ethical approaches, would aid the liberal West to meet its evolving circumstances, in a globalized, interconnected world of increasing 'multiculturality', where difference must be recognized to deliver dignity, respect and recognition.

Keywords: liberalism, Confucianism, democracy, difference blindness, diversity, minority, discrimination, recognition

Introduction

The inter-mingling and co-existence of different cultures, peoples and nationalities is not a new phenomenon, but a high degree of social and cultural mobility, increased migration flows, and interaction between different nations and cultures all mean that it is rising in many countries across the globe.

Liberalism is a political philosophy that might be assumed to attend to this *mélange*, but today's liberal nations are facing a higher level of 'multiculturalism'¹ than ever before, with a variety of emergent problems. The issues of difference and diversity that are central to liberalism appear to be increasingly difficult to manage, as they become interconnected global issues not limited to the purview of one particular nation. As the diversity within single nations increases, the world becomes a 'smaller', multicultural place. In many liberal democratic societies, ever larger numbers of diverse peoples, cultures and opinions are coming into both contact and conflict.

After the Finsbury Park incident in the UK, where Muslims were targeted by a British national in a vicious terror attack, it was reported by *The Guardian* newspaper that anti-Muslim hate crimes had increased five-fold in London and Manchester.^{2,3} A surge in power for right-wing nationalist parties, such as the UK Independence Party, Italy's La Liga, France's National Front, and xenophobic parties in Hungary and Poland, testifies to the increasing call from many European voters for nationalism and a rejection of multiculturalism, bringing nationals into conflict with immigrants. In 'In Europe, nationalism rising' (*The Harvard Gazette*, February 27, 2017) Christina Pazzanese discusses this rising conflict

¹ The fact of multicultural diversity within a society.

² Josh Halliday, "Islamophobic attacks in Manchester surge by 500% after arena attack," *The Guardian* 22/6/2017 - <https://www.theguardian.com/uk-news/2017/jun/22/islamophobic-attacks-manchester-increase-arena-attack>

³ Vikram Dodd and Sarah Marsh, "Anti-Muslim hate crimes increase fivefold since London Bridge attacks." *The Guardian* 07/07/2017 - <https://www.theguardian.com/uk-news/2017/jun/07/anti-muslim-hate-crimes-increase-fivefold-since-london-bridge-attacks>

between European nationals and foreign immigrants, arguing: "All of that justifies, legitimizes parties that say, 'We must erect walls and then everything will be as it was before'."⁴ This indicates a growing trend toward nationalism and a suspicion of multiculturalism.

It is argued by some contemporary thinkers, and discussed further later, that many diverse peoples within such nations are not being properly recognised by the state, nor by the laws and procedures of liberalism that focus on being 'blind to difference.'

This article first takes up the established debate between both the defenders and critics of this so-called 'difference blindness'; my purpose then is to offer a Confucian perspective that contributes novel, interesting and productive ideas through the concept of a 'horizontal hierarchy.' Through an examination of various principles and scholars I argue for a 'difference aware' approach that may give insight into a 'repair' for the weakness of a difference blind liberalism. This innovative perspective provides a conceptual basis for dealing with diversity that does not need to ignore or avoid difference, but rather can acknowledge difference and still achieve equality. Moreover, I offer an argument for the value of stimulating, in a liberal constitutional democracy (LCD), an underlying positive moral motivation and self-cultivation that can be concurrent with being a free, rights-bearing liberal citizen. Finally, I contend that this meeting of Confucian and liberal resources may prove valuable in allowing equality to remain central to the liberal project in the West,

⁴ Christina Pazanese, "In Europe, nationalism rising," *Harvard Gazette* 02/2017-
<https://news.harvard.edu/gazette/story/2017/02/in-europe-nationalisms-rising/>

whilst paying full attention to increasingly present diversity and difference phenomena and inciting an active moral citizenry that could improve life in many communities.

Difference Blindness

Let me begin by exploring the argument for difference blindness - a position well supported in the canon of liberal political philosophy. Chandran Kukathas, in 'Liberalism and Multi-Culturalism: The Politics of Indifference', argues its case, stating that a 'politics of indifference' is the correct form of response to a diverse plurality of equal citizens. Kukathas takes a traditional liberal position that confirms that diversity is a problem that it must seek to address, when he says: "...division, conflict, and competition would always be present in human society."⁵ In order to manage this division, Kukathas' supports a 'politics of indifference', where every citizen is treated equally, fairly and justly, regardless of their race, sex, gender, age, ethnicity or any other distinguishing feature. An element of this is difference blindness: choosing to ignore differences between citizens or acting 'as if' there were no differences in the eyes of the law or the procedures of justice. This is argued to be the fairest way to deal with diversity and ensure all are given equal opportunity and fair treatment. Since the 16th century, the personification of 'Lady Justice' (Ancient Rome's Justitia) has been depicted wearing a blindfold, to represent impartiality, indicating that justice should be blind.

⁵ Chandran Kukathas, 'Liberalism and Multiculturalism: The Politics of Indifference', *Political Theory*, vol.26 no.5, pp 686-699 (Sage Publications, 1998), 690.

Such an approach has gained much support due to its ability to bring together diverse opinions in society that might otherwise cause conflict between individuals; it seeks to avoid any unfair treatment, by those in positions of authority and power, of those diverse individuals, minorities or peoples with contentious or relatively unheard opinions. The theory holds that, in a diverse multicultural society, opinions about 'the good life' that stem from philosophy, religion, history and culture (which are naturally diverse and conflicting in a society composed of different peoples from different places and with different opinions and cultures) threaten to cause conflict within a polity and must therefore be managed through treating people the same regardless of these differences if peace, fairness and justice are to be achieved.

Difference blindness, as a method, intends that every citizen be treated equally, justly and fairly, by having their rights and liberties protected regardless of their particular cultural, historical, philosophical or religious affiliations or opinions - ignoring those peculiarities and treating all people as 'right-bearing citizens.' Thus, liberalism attempts to deal with the conflicts that could arise from diversity, by privatising and removing from public debate the variety of conflicting views about 'the good life' and instead having a public political life based on equality.

This position is commonplace in liberalism and is arguably its primary modus operandi; however, critics argue that rather than equality and equal treatment, a form of discrimination and mistreatment emerges from being blind to difference. Feminist theorist Amanda Gouws asks, in 'Beyond Equality and Difference: The Politics of Women's Citizenship':

“Should all people be treated the same to make them equal... or should they be treated differently to make them equal?”⁶ Iris Marion Young responds by arguing that “Strict adherence to a principle of equal treatment tends to perpetuate oppression or disadvantage.”⁷

The viewpoint that Young, Gouws and others bring to the discussion is the idea that not all citizens start or end in the same place economically, socially, or culturally and thus certain groups of individuals – gender, ethnic, class and other minorities or subsets - are disadvantaged in their practical experience of living in a liberal society. Rather than being treated equally, as valuable ‘citizens-in-common’, their various differences - that often incur disadvantage, prejudice, and discrimination - are not recognised by the process of difference blindness that works to ignore, forget or overlook such inequalities. The question posed is: does overlooking such differences deliver the intended equality and justice? Today this criticism strikes at the heart of the issue, as differences grow and multiply in multicultural societies. I hypothesise that the difference blind approach, which may have held more positivity in times of greater homogeneity between individuals, is losing its value as we move into an increasingly interconnected, multicultural and globalised world of growing diversity, and that a system that wishes to act ‘as if’ there were no difference between equal citizens becomes increasingly problematic.

⁶ Amanda Gouws, “Beyond Equality and Difference: The Politics of Women’s Citizenship,” *Agenda*, Vol. 15 No. 40, pp 54-58 (Routledge, Taylor and Francis Group, 2011), 54.

⁷ Iris Marion Young, “Polity and group difference: a critique of the ideal of universal citizenship,” in *Ethics*, Vol. 99 No. 2, (The University of Chicago Press, 1989), 251.

Charles Taylor and the importance of recognition.

Charles Taylor, amongst others, has taken up this issue and argued for a change to liberal philosophy that accommodates a wider range of diversity and difference. In 'The Politics of Recognition,' Taylor indicates an emerging and developing shift of requirements, stemming from the development of modernity, that make demands for a politics of dignity, respect and recognition, rather than simply representation, equality and rights (although these latter motivations remain important).

Taylor argues that although liberalism aspires to inclusivity and wants to, as Kukathas puts it: "accommodate a wide variety of life"⁸, in the end it can be shown to be a "fighting creed"⁹ which defends a particular political society, ethic and procedure against all others. What Taylor wishes to demonstrate is how the procedures of liberalism - difference blind or not - are already a position of a particular religious and philosophical history that relates to Anglo-American, Christian history and contains many convictions that are intrinsically European. Consequently, Taylor argues that the procedures and practices of liberalism are not truly universal, though they aim to be so, and may be unfamiliar to citizens from other parts of the world, or from different ethnicities or cultures who are expected – as is increasingly the case - to accord with these procedures as matters of universal value. As a result, minorities may be discriminated

⁸ Chandran Kukathas, "Liberalism and Multiculturalism: The Politics of Indifference," *Political Theory*, vol.26 no.5, pp 686-699 (Sage Publications, 1998), 696.

⁹ Charles Taylor, "The Politics of Recognition," in *Multiculturalism. Examining the Politics of Recognition*, ed. Amy Gutmann (Princeton, NJ: Princeton University Press, 1994) 62.

against simply by participating in liberal procedures - and certainly by being treated blindly and not being recognised.

Taylor proposes that "...the development of the modern notion of identity, has given rise to a politics of difference,"¹⁰ and within that "Everyone should be recognized for his or her unique identity."¹¹ What is at stake is what Taylor calls a 'politics of difference' (contrasting Kukathas 'politics of indifference,') whereby "...what we are asked to recognize is the unique identity of this individual or group, their distinctness from everyone else."¹² Taylor's proposal of a politics of difference may be what is required to provide large numbers of citizens within many LCDs the dignity, respect and recognition that we might now consider important to modern citizenship.

In understanding Taylor's objection, we can begin to appreciate how a difference blind method might be failing to recognise the diverse differences that constitute the people - and thus the consensus that organises the procedures and functioning of the state - while also ignoring the unique differences that constitute an individual in the modern world of personhood and individuality. The growing demand for a politics of recognition, in a time of increasing diversity, puts a tremendous strain on the difference blindness that seeks to avoid recognising diversity at all.

Given this analysis, if liberalism is to continue to fulfil its original goal of equality and equal treatment it must take notice of the differences between

¹⁰ Charles Taylor, "The Politics of Recognition," in *Multiculturalism. Examining the Politics of Recognition*, ed. Amy Gutmann (Princeton, NJ: Princeton University Press, 1994) 38.

¹¹ *ibid.*

¹² *ibid.*

citizens and recognise the diverse members of society with a 'difference aware' or 'difference sensitive' approach.

So, might possibly the procedures arising from difference blindness be in need of some repair? Building on Taylor's arguments that point out the importance of recognition and the need to determine methods to be aware of the diversity that constitutes a modern, multicultural LCD. I suggest that it might be fruitful to look at a Confucian perspective that confronts difference and diversity, to cast new and refreshing light on the issue at hand and perhaps provide interesting ideas about how to deal them.

I shall argue for a way of looking at recognition and diversity from a 'difference aware/sensitive' position that might appeal to Taylor, but which also satisfies the striving for equality and rights that traditional liberals like Kukathas seek through difference blindness; moreover, I will outline a somewhat limited but practical alternative to contemporary discourse on liberalism, communitarianism and difference blindness in the Western philosophical mainstream. Being novel, innovative and constructive to the discourse as a whole, this will add fresh insight.

Is Confucianism sufficiently democratic?

What might be immediately contentious about using Confucianism to understand liberalism is the imperial legacy that supported Confucianism for more than a millennium. Indeed, Confucianism has found its traditional home inside an imperialist, feudal and authoritarian system that, unlike liberalism, has never been concerned with equality and

egalitarianism. It is somewhat similar to the situation in feudal China¹³ that liberalism was designed to confront. Therefore, it first requires some justification to understand how a philosophy that supported an ancient feudal empire could be brought to bear in a society based on modern principles of representation, equality and rights.

To understand how Confucianism can be used positively for a democratic state, it is pertinent to make a distinction between three spheres: the political, the social and the philosophical. The *political* here refers to the structure of a political order: the state, the king, the president, congress, the demos – the actual superstructures that organise a body politic. The *social* here refers to the ethics, norms and values that play out in the public and private spheres that constitute, and are created by, the level of the political (as so described). Finally, the *philosophical* refers to what we are doing here, as did Confucius and liberals like John Rawls: the construction of philosophical, academic and conceptual arguments, frameworks and reasons that might affect and/or describe the previous two spheres.

With this distinction we should be able to separate the *political* structure of feudal China (the Emperor, his vassals, the palace) and the *social* sphere it generated (the feudal ethics of fealty, respect and subservience embodied through the conduct of peasants, lords and vassals) from the *philosophical* sphere of Confucianism that inspired and supported those other two spheres - which concerns itself with academic, conceptual and philosophical claims, ideas and arguments.

¹³ The important distinction here between European Feudalism and Imperial China is the absence of a professional civil service in the European system.

By considering the philosophical sphere, where it relates to the metaphysical, epistemological, political and moral philosophies of Confucianism, including certain aspects of the social sphere relating to ethics, we disentangle ourselves from the political structure of imperialism and feudalism, that entails illiberal ideas of domination and repression; we can then begin to understand how *Confucianism as a philosophy* can provide resources for a modern democratic political and social structure.

Indeed, successful attempts have been made in various areas of contemporary academic literature to disentangle Confucian philosophy from Confucianism as a political order tied to feudal China. Brooke Ackerly in 'Is Liberalism the only way to democracy?' made one such attempt; she argues that the two most important philosophical Confucian concepts – *tian-xia* (天下)¹⁴ and *ren* (仁)¹⁵ – can demonstrate a democratic "logic"¹⁶ that is "evolving"¹⁷ throughout Confucian philosophy.

Ackerly argues that *ren*, as a foundational virtue of Confucianism, naturally tends towards egalitarianism and equality, as it argues all human beings are both capable and deserving of benevolence, kindness

¹⁴ All entities on planet earth (strictly 'under-heaven', as Tian means Sky) are connected to one another in their ontological location on earth or 'under heaven' and are thus fundamentally related.

¹⁵ *Ren* is the principle virtue of Confucian political ethics, and is variously translated as 'benevolence,' 'excellence,' and 'human-heartedness'. *Ren* is benevolent and humane because it incites the ethical treatment of every human being by every other human being. *Ren* is also human-hearted because it does not relate to minds, i.e. the rational capacity of individuals, or their intellectual virtues, but to their *hearts* - their fundamental and existential category as human beings and incites a moral kindness to all humans on this basis.

¹⁶ Brooke A. Ackerly, "Is Liberalism the Only Way toward Democracy? Confucianism and Democracy," *Political Theory*, Vol. 33, No. 4 pp. 547-576 (Sage Publications Inc, 2005), 552.

¹⁷ *ibid.*

and moral respect. Not only do these two principles point towards a democratic, egalitarian and humanitarian philosophical basis in Confucianism, but there is also the ethical incitement of loyal criticism (as with the figure of the Junxi or scholar-critic, such as Confucius). Like these two virtues, Confucianism makes an ethical virtue of loyal criticism. It argues in favour of loyal fealty to one's superiors: teachers, rulers, parents, but that fealty necessarily involves criticising those authorities should they abandon the path of *ren* and morality. Ackerly explains that "The scholar's moral education of rulers requires political criticism of those rulers who do not act benevolently [*ren*] towards their people"¹⁸ and therefore, although Confucianism tends to honour elites and appears to favour a hierarchical structure of the able guiding and teaching the less-able, "in the very establishment of the hierarchy is the prohibition against exploiting it."¹⁹ Ackerly appears to be arguing that Confucian hierarchies have inherent ethical 'safe-guards' against abuse. Whilst the notion of hierarchy is treated suspiciously by democratic thinking, 'safe-guards' against abusive authority accord with a democratic position.

Ackerly extends this argument even further, arguing that Confucianism might have such convincing democratic arguments that it is directly suited to a liberal democracy, due to its focus on all people 'under heaven' and 'human-heartedness' - a capacity and right of all humans. Not only does Confucianism have a democratic logic, she claims, but a wholly liberal one

¹⁸ Brooke A. Ackerly, "Is Liberalism the Only Way toward Democracy? Confucianism and Democracy," *Political Theory*, Vol. 33, No. 4 pp. 547-576 (Sage Publications Inc, 2005), 563.

¹⁹ Brooke A. Ackerly, "Is Liberalism the Only Way toward Democracy? Confucianism and Democracy," *Political Theory*, Vol. 33, No. 4 pp. 547-576 (Sage Publications Inc, 2005), 555.

that seeks to be inclusive of all people, regardless of particular affiliation, culture, history, philosophy or character.

Whilst it is possible that Ackerly is sometimes talking more of humanism than liberalism, I hypothesise that Confucianism may contain resources that we can consider fruitful for understanding a problem that appears to be a strictly liberal one: namely the threat to equality and diversity of the methods of difference blindness.

Horizontal Hierarchy: a difference-sensitive egalitarianism

Li Xiangjun and Yan Xin in 'An Explanation of the Confucian idea of Difference,' explain how Confucianism starts with an ontology based on difference: "Difference is a central belief of Confucianism. Order, unity and harmony based on difference are Confucian primary aims in ethics, politics and the view of nature."²⁰ All humans, so the logic unfolds, are necessarily different and are constituted by their relationships with diverse people and experiences. Confucianism holds that people can always change themselves through their relationships. Relationships with virtuous people, with leaders, and with fellow citizens can allow people to become perfected or improved by their influences: "they [Confucian scholars] rely on the principle of difference in human relationships... The relationship between oneself and other people is arranged according to the principle of difference; love your family and be good to people... Thus, a network of relationships of difference with human as the basic point is

²⁰ Li Xiangjun and Yan Xin, "An explanation of the Confucian idea of difference," in *Frontiers of Philosophy in China*, Vol. 2, No. 4, (Brill: 2007) 488.

established.”²¹ This orientation does not stress a universal character of ‘the human being’ who possesses autonomy and a self-motivating intelligence designed for self-realisation - an ontology that is the foundation of liberalism - but rather stresses an essential difference that implicates relationality, reciprocity and mutual understanding as ethical and moral methods for securing wisdom and knowledge - including knowledge of ‘the good life’ and political ethics.

In the Confucian orientation, difference is what constitutes humanity; cultivation comes from learning from others, acting according to the ideas of others, and creating a harmonious world of mutual understanding and agency. As the famous line from *The Analects of Confucius* reads: "Now the man of benevolence [*ren*] wishing to be established himself, seeks also to establish others; wishing to be enlarged himself, he seeks also to enlarge others. To be able to judge of others by what is nigh in ourselves; — this may be called the way of benevolence.”²² This indicates that the first act of moral autonomy (enlarge oneself) must begin with supporting and understanding the other (enlarge others) and that proper moral cultivation of oneself comes from understanding the value of others and the resources they can provide for the flourishing of oneself and one’s community.

Another reads “The Master Said, When walking in a group of three, my teachers are always present. I draw out what is good in them so as to

²¹ Li Xiangjun and Yan Xin, “An explanation of the Confucian idea of difference,” in *Frontiers of Philosophy in China*, Vol. 2, No. 4, (Brill: 2007) 495/496.

²² Kung-chuan Hiao, “Confucius (551-479 B.C.),” in *History of Chinese Political Thought, Volume 1: From the Beginnings to the Sixth Century, A.D.* (Princeton: Princeton University Press, 1979), 102.

emulate it myself, and what is not good in them so as to alter it in myself."²³ In this way, diversity and difference are seen as essential to one's moral cultivation, to political ethics, and to communitarian virtues that enable coexistence. Paying attention to difference and diversity is key to achieving community and harmony.

Baogang He, in 'Confucianism Versus Liberalism over Minority Rights: a Critical Response to Will Kymlicka' explores how this mutuality plays out in terms of political power and authority through what he calls "cultural diffusion." He says:

"Confucianism stresses that diverse minorities should merge into a unified harmony and co-exist peacefully in mutual respect and interdependence. It assumes that in the end all peoples should be unified and live harmoniously under one 'heaven' 'as a harmonious organism.' The key notion is 'ronghe,' the fusion or amalgamation of majority and minorities in a process of Confucian cultural diffusion. In an ideal Confucian world, to harmonize the relations between different ethnic and cultural groups and communities is a top priority. *The harmonization approach recognizes differences while not imposing conformity and minimizes conflict while not undermining autonomy.* It stresses mutual respect and responsibility."²⁴ (Italics added)

²³ Robert Eno, trans., *The Analects of Confucius*, (Indiana: Indiana University, 2015), 7.22, 33.

²⁴ Baogang He, "Confucianism versus Liberalism Over Minority Rights: A Critical Response to Will Kymlicka," *Journal of Chinese Philosophy*, 31:1, pp 103-123 (*Journal of Chinese Philosophy*, 2004), 112.

The Confucian notion of harmony thus sketched is not dissimilar to the liberal project of organising difference into a cooperating collective. However, this approach is wholly 'difference aware' and does not overlook differences but argues that the amalgamation or fusion of difference is the route to cooperation and mutual respect. The notion of a horizontal hierarchy emerges here, also based on an acknowledgement of difference, and this allows authority to be exacted by diverse members of a community in their own particular ways. It is through this model that a horizontal hierarchy should be understood. Diversity, minorities, and differences are not disregarded or treated blindly through the Confucian model, but are instead supported by a mutual respect and support for every diverse member of the family that is society. Thereby, each member or group is given respect and love - not in spite of their differences, as with difference blindness, but in order to promote their differences and to enlarge their value as diverse members of a harmonious collective.

Russel Arben Fox explains how this functions in 'Confucian and Communitarian Responses to Liberal Democracy,' where he writes "classical Confucianism is a *horizontal* concept"²⁵ as "everyone, in different times and places, has the potential to show forth, through their participation in community activities, the sort of authority which binds the community together."²⁶ It is in this sense that the hierarchy can be horizontal, as the authority is not based on the specific nature or duties of one's role *per se*, but related to the virtue one 'shows forth' when

²⁵ Russel Arben Fox, "Confucian and Communitarian Responses to Liberal Democracy," *The Review of Politics*, Vol. 59, No. 3, pp. 561-592 (Cambridge University Press, 1997), 582.

²⁶ *ibid*

contributing to society through diverse and different roles. To demonstrate expertise and virtue and promote the harmony and flourishing of the community before one's own self-interest is key. This notion plays into the crucial idea of *li* (禮) often understood as ritual or decorum or propriety, where the mode of acting within a role or task is what generates virtue, authority and respect, rather than the power and authority of a station, role or task.

'Horizontal authority' here is distinct from self-interest. The intent is that it functions to generate a sense of social responsibility that should be side-by-side with one's self-cultivation as a virtuous participant in the community. Fox explains further: "Authoritative individuals in this way become 'models' around which assessments of praise and shame could be articulated"²⁷ and "[they] must put their 'interest' in the natural immanence of given roles over their own 'interested' participation in said roles."²⁸ The Confucian model seeks to make this diversity of roles - and the authority that can be found within them through virtuous acting - the method by which respect, harmony and cooperation should be afforded and continued. Deference for the virtues demonstrated in these roles is also essential. Indeed, even the emperor, it is claimed, must show deference to the authority of the farmer where that role is capable of being authoritative - and vice versa. In this way, a shifting system of authority is established whereby, regardless of political position or power, each person has the power to be at the top of the hierarchy, vis-à-vis authority. So long

²⁷ Russel Arben Fox, "Confucian and Communitarian Responses to Liberal Democracy," *The Review of Politics*, Vol. 59, No. 3, pp. 561-592 (Cambridge University Press, 1997), 584.

²⁸ Op. Cit. 585.

as a role is conducted with expertise, *ren* and through *li*, the person occupying that role should be afforded respect and authority over their respective domain, while others should be deferent and respectful to them, recognising the valuable contribution that diverse roles make to the greater flourishing of the community.

Rather than a strictly vertical hierarchy, whereby the powerful can always demand authority and deference on all matters, the Confucian model argues that even the most politically powerful must bow (literally and figuratively) to the authority of a person who has a capability that they themselves cannot fulfil, due to a lack of expertise, willingness, knowledge, commitment, or virtue, and which contributes to the greater harmony and flourishing of the community. In this way, the differences that constitute diverse roles are recognised and respected precisely because of their distinctive position; also, mutual respect is achieved by appreciating the virtues that can 'show forth' from any and every role.

Diffuse opinions - unequal treatment.

My research suggests that the value this notion of a horizontal hierarchy has for a liberal society could come from understanding this relationship of deference and authority in terms of the opinions, activities and values of diverse individuals that have been misrecognised through a blind approach. This might entail a revaluation of 'the citizen'; rather than recognising 'everyone' in the blind way, diversity could be publicly rewarded through respect for the value of each individual's expertise and the virtues one 'shows forth' from within one's role and how that unique position contributes to the common good. With this horizontal approach,

the differences that are traditionally made private in a liberal system can be publicly acknowledged, whilst also emphasising the commonality that underpins them: namely acting for the common good through one's specific area of interest and expertise. Equally, this would entail showing deference to these diverse members of society to speak authoritatively about their specific affairs, expertise or knowledge, giving them a larger voice in these particular respects. For example, a Muslim might be given more authority to speak on the value of Mosques, while the opinion of doctors would be taken as more authoritative when talking about how to properly allocate healthcare resources, and homosexuals would become the authority on what shape gay-rights should take. One could also hope that such a system of deference and authority might enable greater respect between diverse members who might traditionally be at odds – to return to the example of Finsbury Park. Furthermore, understanding the commonality that is achieved *through* occupying a diverse role might enable citizens to more easily embrace difference. Rather than expecting diverse members and minorities to move towards a common, homogenous and blindly recognised 'citizen' – predicated on an outdated, Anglo-American, monotheistic model which is increasingly inappropriate in times of increasing 'multiculturality' – we might come to respect that embracing diversity is no obstacle to commonality.

This idea would accord with the position Taylor lays out, of a society of recognition and modern individuality that requires respect and recognition be paid to the unique differences of individuals and peoples that constitute a diverse multicultural society.

My position argues that certain members of society should be given more authority to conduct affairs when they relate to the area in which they have specialist knowledge/ interest/ concern/ expertise because, not only might this be respectful, reciprocal and harmonious, but the procedure also recognises diversity as fundamentally important and is not blind to or ignorant of difference, thus evading the problems of difference blindness discussed above.

Embedding this process in liberal society would mean that equality would not play out as a blind, procedural and technical process of enforcing immovable and unchanging laws and rules that apply to all people equally, regardless of differences or specificities. Rather, it would require treating people as different, giving greater weight and emphasis to the opinions of certain people in direct accordance with their diversity and difference of position, situation, expertise, etc. This would require a method of unequal consideration that would potentially help overcome the problems of discrimination that are argued to come about through difference blindness. This would perhaps satisfy thinkers like Gouws and Young and could mean that diverse groups and minorities – groups that are becoming more common and frequent in many liberal democracies – would have greater representation and recognition for the value that their unique talents, perspectives and philosophies can bring to the table, thereby also satisfying Taylor. In this way, a difference-aware approach can become the basis for acting within a cooperating, democratic polity and be actively acknowledged, praised and valued for the benefit that difference can bring to the harmony of society as a whole.

Inevitably, an individual would have to give up certain types of power and authority within various domains of their life, or of their political assertions and opinions. Indeed, it would mean the sovereign individual having to surrender their authority in various ways to those with whom he/she does not necessarily immediately agree. Deference and respect would have to replace autonomy and pride in many cases; this may initially seem unpalatable to a modern democratic society that takes Kant's *sapere aude*²⁹ as its rallying cry.

However, this need not be so radical. Would it be foolish to argue this perspective might fit with the image John Rawls wished to paint, in his seminal book *Political Liberalism*? Rawls, who aimed at a "Society as a fair system of cooperation,"³⁰ which engenders "social cooperation"³¹ that specifies "an idea of reciprocity;"³² does this not provide another strong argument for a Rawlsian procedure of overlapping consensus and mutual respect, deference and cooperation?

This method enforces the importance of cooperation, reciprocity and mutuality - ideas that liberalism and thinkers like Rawls are so eager to achieve within a liberal democracy. This argument shows that the Confucian orientation may be close to the agendas of liberalism and could become wholly part of liberal processes. The key is that the Confucian orientation attends publicly to diversity, by acknowledging difference, which leads to greater authority for those representatives of a particular

²⁹ 'Dare to think for yourself'.

³⁰ John Rawls, *Political Liberalism*, (New York: Columbia University Press, 1995), 15

³¹ Op. cit. 16.

³² *ibid.*

kind of diversity, by giving weighted value to their opinions and proposals. This is in contrast to a liberal, difference blind orientation that wishes to ignore difference and which in practice tends to cause diverse minorities and individuals to be discriminated against by the processes which treat all people 'as if' they were without differences.

Procedural justice - practical virtue.

Another benefit that emerges from this Confucian perspective could be gleaned by understanding how the principles of *ren* and *tian xia*, which consider humanity as a related moral family worthy of active moral consideration, could inject an undercurrent of recognition, reciprocity and mutuality to run alongside typically liberal procedural justice - whether a difference blind or a difference aware approach. The principles of *ren* and *tian xia* require of the diverse individuals that constitute a political community, a moral responsibility that transcends any particular political organisation, procedure and/or regulation. The Confucian perspective argues the political sphere should extend from this pre-cultural moral obligation; however, even if we take a difference blind liberalism as the *de facto* political order, the transcendent moral obligation can prove valuable for the liberal project.

Albert Chen in 'Is Confucianism Compatible with Liberal Democracy?' argues that liberalism, as a procedural and constitutional system, does not necessarily prevent amorality or moral ambivalence and could function perfectly well alongside citizens who are "dominated by... greed and

selfishness”³³ and governed by “unscrupulous albeit lawful”³⁴ politicians and leaders, and indeed “there is nothing in the institutional structure of LCD to prevent it from happening.”³⁵ Further, he argues that “there is nothing in the concepts of liberty, equality, autonomy, rights and democracy that can prevent the scenario.”³⁶

It seems possible that liberalism could benefit from a transcendent or fundamental moral coda that could direct the procedures and institutions of liberalism to ensure that some actual moral good eventuates in the execution of liberal procedures, and that a focus on legalistic difference blindness, and the rights it entails, does not abjure the responsibility for citizens to participate in positive moral activity.

Confucianism could offer such a perspective. The fundamental underpinning of Confucian ethics in *ren* and *tian xia* provides a fundamental moral responsibility but, importantly, does not provide specific content on how to realise that end; it could work alongside a society of diverse peoples living private lives of difference, protected by liberal rights, each realising that moral end through their own diverse philosophies, religions, cultures etc.

³³ Albert H. Y. Chen, “Is Confucianism Compatible with Liberal Constitutional Democracy?” *Journal of Chinese Philosophy*, Vol. 34, No 2, pp 195-216, (Wiley Publishing, 2007), 211

³⁴ *ibid.*

³⁵ Albert H. Y. Chen, “Is Confucianism Compatible with Liberal Constitutional Democracy?” *Journal of Chinese Philosophy*, Vol. 34, No 2, pp 195-216, (Wiley Publishing, 2007), 211.

³⁶ *ibid.*

As Chen argues, the virtues of Confucianism can “accommodate the moral neutrality of the liberal democratic state with regard to visions of the good life, the priority of the right over the good (as far as the exercise of state power is concerned) and of principles of justice based on an ‘overlapping consensus’.”³⁷ This would entail a fundamental moral concern for all people, with full acknowledgement of their diversity as contributing to the fullness of humanity, and human society, that is organised, managed and preserved by a liberal democratic constitution and state. It would focus on the problem Lee Seung-Hwan notices in ‘Liberal Rights or/and Confucian Virtues?’ namely that “the Western notions of human rights and ‘negative liberty’ only provide a minimum moral standard: it is a necessary but not sufficient condition for human self-realisation, which depends on the cultivation of virtues and the exercise of ‘positive freedom’.”³⁸ This focus on positive freedom would inspire citizens to realise their own moral ends and to ensure moral self-cultivation and have an active role in pursuing moral or virtuous behaviours - something that can be wholly concurrent with a rights-based liberalism that denies the possibility of finding fundamental moral truths that can be valid for all.

This is a morality which inspires a fundamental inter-connectedness, reciprocity and mutuality between diverse citizens that runs underneath or alongside procedural liberalism and is not disrupted by personal and cultural differences. Rather, it recognises those differences as compiling

³⁷ Albert H. Y. Chen, “Is Confucianism Compatible with Liberal Constitutional Democracy?” *Journal of Chinese Philosophy*, Vol. 34, No 2, pp 195-216, (Wiley Publishing, 2007), 206.

³⁸ Albert H. Y. Chen, “Is Confucianism Compatible with Liberal Constitutional Democracy?” *Journal of Chinese Philosophy*, Vol. 34, No 2, pp 195-216, (Wiley Publishing, 2007), 208.

together to create the very humanity that ought to be respected as a fundamental moral commitment. This 'over-arching' moral coda could therefore be wholly diverse and concurrent with a liberal society which wishes to allow the flourishing of diverse 'multiculturality.'

In this way, liberalism could have 1) a society that aims towards social harmony, reciprocity, relatedness, diffuse authority and mutuality through a commitment to human-heartedness (*ren*); 2) a citizenry that aims towards moral activity and active participation in the functioning of the harmony of society through an emphasis on moral self-cultivation and positive agency; 3) diversity which is protected by rights, laws and liberties; and 4) safeguards from tyranny for the flourishing of diverse approaches to 'the good life' constituted by private association and affiliation. This would truly be 'ronghe,' in the sense Baogang He uses it: an amalgamation of Confucian ideals (1-2) and Liberal ideals (3-4).

The idea of mixing liberalism into Confucianism in Asian cultures has both advocates, critics, and consequent discourse. The issue is a pressing one for Confucian nations like South Korea that started with a Confucian political society and is beginning to embrace democracy. China, which has claimed to be Communist since the 1949 Revolution, can be seen to still exhibit the deeply Confucian elements it has done for centuries, with perhaps the exception of the Cultural Revolution period of the late 1960s

and early 1970s.^{39,40} It is argued in much of the scholarship, as with the famous Chinese scholar Mou Zongsan, that Confucianism and liberalism can be compatible and complimentary. Indeed, thinkers like Tang Junyi, Mou Zongsan, Xu Fuguan, and Zhang Junmai argue “this will enable her [China’s] national character to reach higher planes of perfection and her spiritual life to achieve a more comprehensive development.”⁴¹ The desire for China to democratise is pressing, but this scholarship also argues for liberal democratic nations to be in turn inspired or influenced by Confucianism.

Chen supports a “creative transformation”⁴² of Confucianism to meet with Liberal Constitutional Democracy or ‘LCD’ as he prefers. Chen explores the arguments of the scholar Chenyang Li, who argues against a “wholesale westernization”⁴³ of Confucianism towards LCD. Rather, Chenyang Li rebuts the undemocratic aspects of Confucianism by claiming “an argument can be made that in the United States and throughout the democratic West, healthy society has been threatened

³⁹ T. Zhang and B. Schwartz, “Confucius and the Cultural Revolution: A study in collective memory,” in *International Journal of Politics, Culture, and Society*, Vol. 11 No. 2, pp.189-212.

⁴⁰ For information on the relevance of Confucianism for modern China, I recommend Jana. S. Rošker, “The Modern Confucian Legacy and the New Confucian Ideologies in the People’s Republic of China: The Case of Harmony,” in *The Rebirth of the Moral Self*, (Chinese University Press, 2016).

⁴¹ Albert H. Y. Chen, “Is Confucianism Compatible with Liberal Constitutional Democracy?” *Journal of Chinese Philosophy*, Vol. 34, No 2, pp 195-216, (Wiley Publishing, 2007), 195.

⁴² Albert H. Y. Chen, “Is Confucianism Compatible with Liberal Constitutional Democracy?” *Journal of Chinese Philosophy*, Vol. 34, No 2, pp 195-216, (Wiley Publishing, 2007), 200.

⁴³ Op. cit. 197.

precisely by the diminishing of traditional values similar to these undemocratic Confucian values."⁴⁴ He wishes to find out "how Confucian value (i.e. those worth preserving in the process of creative transformation) and modern democratic values or institutions can coexist."⁴⁵ In support of such a view, we can connect the Confucian insistence on 'government for the welfare of the people' and the basic liberal orientation of *demo-kratos*.⁴⁶ For East-Asia and the West, the blending of liberalism and Confucianism could prove valuable.

Critiques and limitations

What is problematic about this approach for a liberal democracy is that the notion of a horizontal hierarchy, or the ethical responsibilities of *ren*, does not necessarily impinge on the political power that belongs to the superstructures of authority - the political sphere, as described above. This political power does not move horizontally, even if a system of shifting authority is created in everyday interchange. In my example, whilst the emperor ought to pay heed to the authority of the farmer on matters of farming, the emperor nevertheless retains his position as sovereign and would still be capable of ordering the farmer's execution, revealing a hard, political power that remains unchanged. Likewise, the opinions and views of Muslims may be taken seriously in the example I gave above, but the

⁴⁴ Albert H. Y. Chen, "Is Confucianism Compatible with Liberal Constitutional Democracy?" *Journal of Chinese Philosophy*, Vol. 34, No 2, pp 195-216, (Wiley Publishing, 2007), 200.

⁴⁵ Op. cit. 201.

⁴⁶ People-power

small number of Muslim members in, for example, the UK Parliament would mean that Muslims had little in the way of actual political power.

This is indeed why imperial China was so often corrupt, tyrannical and violent, despite the honoured position of Confucian scholars within the court and the persistence of Confucian ethics throughout generations of emperors. As Chen describes it: “in the end both (ruler-subject / father-son) became one-sided relationships of domination and subordination.”⁴⁷

In fact, Confucianism has traditionally tended towards a society of compliance, conformity and hierarchy - values which seem to contradict the project of democracy, equality and freedom. This would make the case for a rights-based, legalistic approach that enshrines fair and equal treatment through the law and constitution and which does not rely on the moral activity of citizens, but makes concrete demands of its citizens through principled legal frameworks.

Another problem with the horizontal hierarchy and the diffusionist model of power, is that it demands a kind of authoritarian paternalism by the powerful and majority cultures within society; it tends to infantilize citizens and minorities. Although imploring an understanding of our universal humanity, in practice it tends to maintain the order of majority and minority, of father and son, wife and daughter. Whilst the majority culture makes accommodations for minority cultures, it is still maintained that the majority culture - in this case Confucians (or men, or Han Chinese, or the rich) - is rightly dominant and should stay that way; the powerful, it

⁴⁷ Albert H. Y. Chen, “Is Confucianism Compatible with Liberal Constitutional Democracy?” *Journal of Chinese Philosophy*, Vol. 34, No 2, pp 195-216, (Wiley Publishing, 2007), 203.

seems, are powerful regardless of the respect they pay to diffuse authorities. To put it clearly, the farmer remains a farmer and will likely command no armies. This opposes the liberal model that wishes to afford equality of opportunity and consideration by allowing every individual the same possibilities and rights to participate and be considered – perhaps something that, moving forward, Confucian nations should adopt from liberalism. Indeed, the Confucian orientation carries with it problematic elements for the kind of egalitarianism that liberalism is used to and demonstrates the importance of a liberal model of equal opportunity for democratic practices to operate - something East Asian countries are realising, as they 'liberalise' and become democratic in their various ways.

Baogang He recognizes this problem and describes it as an “internal limit”⁴⁸ of Confucianism, arguing that “Confucian communitarianism fails to recognize equality between different cultural communities and cannot guarantee its [cultural minorities] full protection to minority rights.”⁴⁹ This limitation demonstrates that Confucianism is a “very conservative and unequal approach towards minorities,”⁵⁰ and therefore Confucianism has

⁴⁸ Baogang He, “Confucianism versus Liberalism Over Minority Rights: A Critical Response to Will Kymlicka,” *Journal of Chinese Philosophy*, 31:1, pp 103-123 (Journal of Chinese Philosophy, 2004), 120.

⁴⁹ Baogang He, “Confucianism versus Liberalism Over Minority Rights: A Critical Response to Will Kymlicka,” *Journal of Chinese Philosophy*, 31:1, pp 103-123 (Journal of Chinese Philosophy, 2004), 120/121

⁵⁰ Baogang He, “Confucianism versus Liberalism Over Minority Rights: A Critical Response to Will Kymlicka,” *Journal of Chinese Philosophy*, 31:1, pp 103-123 (Journal of Chinese Philosophy, 2004), 120.

a substantial limitation when dealing with equality in a way that liberalism desires.

Chen adds to this when he records two passages that are at odds with one another. Kant once wrote: "A government might be established on the principle of benevolence towards the people, like that of father towards his children. Under such a paternal government (*imperium paternale*) ... is the greatest conceivable despotism."⁵¹ In 'The Great Learning,' or *Daxue* (one of the 'Four Books' of Confucianism) we read: "Kang Gao said: 'A Lord should take care of his people as his children'."⁵² Indeed, the Confucian orientation of what could be called 'paternalistic authoritarianism' seems fundamentally at odds with a liberal democratic ideal of autonomy, self-motivation, freedom, self-determination and self-realisation.

The recognition of difference in the Confucian model results in a hierarchy of sorts; the authoritative majority can be accommodating and reciprocal, but will largely dominate to their advantage 'the harmony of society' with their view of virtue, unless benevolence (*ren*) pervades every office and station. This problem in Confucianism lends support to the value of difference blind liberalism and suggests that, although the classical Confucian model may provide for active morality, recognize diversity as essential to community, and push citizens towards reciprocity and

⁵¹ Baogang He, "Confucianism versus Liberalism Over Minority Rights: A Critical Response to Will Kymlicka," *Journal of Chinese Philosophy*, 31:1, pp 103-123 (*Journal of Chinese Philosophy*, 2004), 202.

⁵² *ibid.*

mutuality, it falls short when delivering equality and fairness when treating with minorities.

These are important critiques and limitations of the Confucian perspective. They warn against a hard form of classical Confucianism that repeats many of the problems of the ancient regimes of China. It warns that, if we are to introduce these concepts into a modern liberal democracy, they must also undergo a transformation to embrace modern notions of liberalism and democracy. However, these critiques, add strength to the idea of introducing Confucian elements into a Western liberal democracy, as the established democratic institutions can prevent the authoritarian tendencies of Confucianism taking hold. Perhaps the concept of *ronghe* (fusion), that Baogang He explained, of taking strengths and reviewing the weaknesses from both schools, could help develop a stronger response to contemporary issues for both the West and the East.

Conclusion

The problems and threats of a difference blind approach to diversity in 21st century Western liberal democracies are emerging as increasingly important and influential. Thinkers like Gouws, Young, and Taylor demonstrate that the inter-mingling of vastly diverse peoples, which is increasingly commonplace in the globalized West, cannot be easily recognized and respected by the state, its laws and the community it engenders, under the traditional position of difference blindness. If people are to be afforded the equal treatment and consideration they desire and deserve under a liberal system, my research suggests that a difference

aware, or positively discriminating approach, may be a better way to achieve liberal goals of equal treatment and consideration.

What I have demonstrated is a Confucian way of understanding diversity that allows for a difference-sensitive approach that need not threaten the basic tenets of equality and democracy. Confucianism understands difference as fundamental to humanity and has attempted to construct a political order and communitarian ethic that focuses on orchestrating a harmony between diverse and multifarious members of society through the idea of a horizontal hierarchy and the principles of *ren* and *tian xia*, that recognizes and makes public those differences. This Confucian perspective argues that each member of society brings a diverse set of valuable talents that can be properly respected through deference, horizontal hierarchies, and a diffuse authority that can acknowledge and utilize them. Confucianism attempts to develop a harmonious cooperation between diverse peoples and bring about a society based on reciprocity and mutuality that can be concurrent with a system of equality and democracy – not dissimilar to the agenda of liberals like John Rawls.

Although some critics of Confucianism expose it as a form of soft authoritarianism with sympathies towards tyranny, imperialism and a tendency to unfair treatment of minorities - and there is some salience in these criticisms - it has also been demonstrated that these limitations are not necessarily tied to the *philosophy* of Confucianism and certainly not to its future. As traditional Confucian nations in East-Asia embrace modern institutions, they are democratizing and liberalizing and laying out a path for Confucianism to shed its associations with imperialism and

demonstrate its value as a communitarian democratic model that supports diversity, reciprocity and mutuality at its base, that can intermingle with Western liberal values to create a revitalized or repaired version of democratic liberalism. This Confucian communitarianism also promotes a form of civic, positive moral activity that may help repair the moral ambivalence and relativism that has caused a retreat of traditional moral values in many Western liberal democracies, having been replaced by private concerns and materialistic fascinations. Whilst Confucianism itself must undergo a certain transformation and must shed certain elements that are distasteful to a liberal democracy - such as perhaps the insistence that the elderly have greater political authority simply due to their age – it remains possible that Confucianism could provide certain novel and practical repairs to Western liberal democratic political theory and practice.

I argue that a dialogue between these two schools of thought could prove fruitful for the West, as well as to the current and emergent needs of those East-Asian nations that are democratizing and modernizing. This work proposes that liberalism could benefit from innovation by moderating some of its traditional commitments to representation, equality and rights, and transforming to meet the circumstances that confront it in a globalized, interconnected world of increasing 'multiculturality' where difference has to deliver dignity, respect and recognition. The appreciation of difference in Confucianism and the notion of a horizontal hierarchy could provide interesting resources for this revitalisation.

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