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Liberal Neutrality, State Perfectionism, and Confucianism: A Neglected Dimension

Yong HUANG

1. Introduction

In the culminating chapter of the culminating part of his *Sagehood: The Contemporary Significance of Neo-Confucian Philosophy*, true to the spirit of the subtitle, Steve Angle brings Confucianism into a dialogue with contemporary political philosophy, particularly on the debate between liberal neutrality and state perfectionism (Angle 2009: Ch. 11). Liberals claim that the state should be neutral with respect to its citizens' competing conceptions of a good life, particularly in its self-regarding dimension, while perfectionists claim that the state should distinguish between valid and invalid conceptions of a good life, promoting the former and discouraging the latter. With such a rough contrast, we may intuitively think that perfectionism must be right, and Confucianism is a type of perfectionism, particularly if the relevant version of perfectionism here is moderate rather than extreme. Angle adopts Joseph Chan's definition of moderate perfectionism: instead of claiming that there is one single best way of life for all, it recognizes a full range of valuable ways of life that the state ought to promote; the range of valuable conceptions of a good life does not include comprehensive (religious and metaphysical) conceptions, with respect to which it agrees with liberals that the state should remain neutral; the way the state promotes valid conceptions of the good life and discourages invalid ones should be non-coercive; and individual perfection is only one of a number of things the state must consider when making laws and social policies, and so it may sometimes be overridden by other considerations (Chan 2008). Angle presents George Sher's perfectionism as an example of this moderate perfectionism, and

details how Confucianism, particularly contemporary Confucianism, is consistent with moderate perfectionism.

While (or because) my own inclination is also in favor of state perfectionism, I believe that even in its moderate form it is still problematic or at least still has something to desire in order to be a viable alternative to the liberal conception of state neutrality (Section 4). Since I confess that I am unable, at least for now, to develop any better arguments, even by drawing on the rich resources of the Confucian tradition, to provide the needed support for state perfectionism (which of course does not mean that such arguments cannot be developed in principle), I shall turn to what I perceive to be a neglected dimension in the debate between liberals and perfectionists. While perfectionists have argued, not entirely successfully to me, against liberals on whether the state ought to favor certain types of self-regarding activities over others, they forget to question the liberals' view on what the state can do about individuals' other-regarding activities. I shall argue that the liberal view is profoundly problematic in this respect, and it is precisely in this respect that Confucianism, as a type of state perfectionism, can make its most unique contributions (Section 5). However, before I can do that, I shall provide an account, perhaps slightly more detailed than what Angle has space to do in his book, of the liberal conception of neutrality (Section 2) and state perfectionism (Section 3) so that we can see what are precisely the issues involved in their debate. The essay concludes with a brief summary (Section 6).

2. Liberal Neutrality

John Rawls is one of the most influential exponents of the liberal conception of neutrality. In his *A Theory of Justice*, although he doesn't use the term, the idea of neutrality is developed. In his view, people in the original position, charged to choose the principles of justice governing the basic structure of society, know that they (may) "have certain moral and religious interests and other cultural ends they cannot put in jeopardy. Moreover, they are assumed to be committed to different conceptions of the good.... The parties do

not share a conception of good.... They do not even have an agreed criterion of perfection that can be used as a principle for choosing between institutions. To acknowledge any such standard would be, in effect, to accept a principle that might lead to a lesser religious or other liberty, if not to a loss of freedom altogether to advance many of one's spiritual ends" (Rawls 1971/1999: 288). Here Rawls emphasizes that, unlike primary goods, such as rights, liberties, opportunities, income, and wealth, that every rational person is presumed to want, such moral and religious conceptions of the good are not shared by all, and this is an important reason for the political neutrality with respect to them. Thus, in a later work, Rawls states that "none of these views of the meaning, value, and purpose of human life, as specified by the corresponding comprehensive religious or philosophical doctrines, is affirmed by citizens generally, and so the pursuit of any one of them through basic institutions gives political society a sectarian nature" (Rawls 1993: 180).

Of course, what Rawls emphasizes here is political neutrality with respect to comprehensive conceptions of good, and as we have seen, moderate perfectionists do not disagree on that, since they do not think the state ought to promote a particular type(s) of religious (or, for that matter, non-religious or even anti-religious) doctrine. However, Rawls's discussion is instructive, not only because such religious and metaphysical doctrines often inform individuals' views of the meaning, value, and purpose of human life, with respect to which perfectionism thinks the state ought not to be neutral, but also because the reason that the state should remain neutral to such doctrines is that, particularly in contemporary societies, the doctrines that reasonable people hold are often very different and even mutually incompatible. Thus if the state bases its political principles of justice, which affect everyone in the society, upon its favored religious and metaphysical doctrine, which is held only by some individuals of the society, the liberty of people who hold alternative doctrines will be undermined. Another liberal, Ronald Dworkin, explains the idea of state neutrality with individual conceptions of the good life in terms of the idea of equality: "since the citizens of a society differ in their conceptions, the government does not treat them as equals if it prefers one conception to another,

either because the officials believe that one is intrinsically superior, or because one is held by the more numerous or more powerful group" as a response to the variety of conceptions of the good life (Dworkin 1985: 191).

So the reason that the state ought to be neutral with respect to its members' conceptions of the good life is that they cannot agree on the criteria to judge the validity or invalidity of such conceptions. The perfectionist George Sher thus expresses his puzzlement: "though still confident about our ability to reach universally applicable conclusions about justice and rightness, these thinkers [political liberals] are much less sanguine about the prospects for reaching reasoned conclusions about goodness or value. There is, in their view, some sort of important asymmetry between what reason can hope to show us about what persons are morally obligated to do and what it can hope to show us about how it is best to live" (Sher 1997: ix). In Sher's view, members of the society may also disagree on the idea of justice, but liberals claim that we can reach agreement on that. If so, why cannot we reach agreement on the conception of the good life, even though we currently disagree with each other?

In response, liberals distinguish between individuals' self-regarding and other-regarding actions. For example, Dworkin states that "ethics in the broad sense has two departments: morality and well-being. The question of morality is how we should treat others; the question of well-being is how we should live to make good lives for ourselves. Ethics in the narrow sense means well-being" (Dworkin 1990: 9). In terms of individuals' other-regarding actions, there is a need for a universally agreed upon principle of justice, as otherwise a society will be in chaos, while in terms of individuals' self-regarding actions, there is no such need. A liberal state is not neutral with respect to the ways we treat others: some are explicitly prohibited, for example, by the harm principle. It is neutral only with respect to the ways we make good lives for ourselves. Charles Larmore makes a similar distinction. On the one hand, he argues that there are "a multiplicity of ways in which a fulfilled life can be lived, without any perceptible hierarchy among them.... [E]ven where we do believe that we have discerned the superiority of some ways of life to others, reasonable people may often

not share our view.... [C]onsequently the state should be neutral"; on the other hand, he argues that "a liberal state may naturally restrict certain ideals for *extrinsic* reasons because, for example, they threaten the lives of others" (Larmore 1987: 43).[1]

Moreover, for liberals, the reason that there is no need to reach universal agreement on people's conceptions of the good life and the state should be neutral with this respect is not that we are unable to tell which is true and which false, or that their being true or false is entirely a subjective matter as complained about by Sher.[2] Rather, it is because they hold a pluralistic view of such conceptions of the good. For example, Dworkin claims that it is irresistible to assume "that there is no such thing as the single good life for everything, that ethical standards are in some way *indexed* to culture and ability and resource and other aspects of one's circumstance, so that the best life for a person in one situation may be very different from the best life for someone else in another" (Dworkin 1990: 49). He further compares ethics, defined as being concerned with the question of how we should live to make our lives good for ourselves, and art, as both "call for a decision ... about the right response to the complex circumstances in which the decision must be made", and both require "a personal response to the

1. However, Larmore, when acknowledging that the state may inevitably favor some conceptions of the good over others, fails to make the distinction between (or confuses) other-regarding activities excluded by the harm principle and self-regarding activities affected by the effect (in contrast to intention or aim) of the neutrality: "at the very least, those who desire a life of theft will find it rough going. And to take a more serious example, ways of life that depend upon close and exclusive bonds of language and culture—the French in Canada or the Britons in France—may lose, within a liberal society also tolerating quite different and more open ways of life, some of the authority and cohesion that they would have if they formed complete societies unto themselves" (Larmore 1987: 43). Theft is not a self-regarding action with respect to which the government is supposed to be neutral, while ways of life that depend on the exclusive bonds of language and culture are. Similarly, Dworkin sometimes does not make the distinction between ethics and morality that he asks us to. For example, he talks about whether Hitler's life would be better should he be locked up or even killed soon after his birth (Dworkin 1990: 76-77). What Hitler does to Jews is other-regarding and therefore falls out of the purview of the principle of neutrality.

2. Sher complains: "in some cases, they are expressed as outright value-skepticism; in others, as the subjectivist view that what counts as a good life for a person depends entirely on his own preferences or choices" (Sher 1997: ix).

full particularity of situation, not the application, to that situation, of a timelessly ideal life" (Dworkin 1990: 66).

This emphasis on the diversity of valid conceptions of the good life is not new. John Stuart Mill, one of the most influential classical liberals, makes the same point even more forcefully: "Human beings are not like sheep; and even sheep are not undistinguishably alike. A man cannot get a coat or a pair of boots to fit him, unless they are either made to his measure, or he has a whole warehouseful to choose from: and is it easier to fit him with a life than with a coat, or are human beings more like one another in their whole physical and spiritual conformation than in the shape of their feet?" (Mill 2003: 131). So various conceptions of the good life, while different, can be equally good, although not equally good to everyone. As Mill also states, "the same things which are helps to one person towards the cultivation of his higher nature, are hindrances to another. The same mode of life is a healthy excitement to one, keeping all his faculties of action and enjoyment in their best order, while to another it is a distracting burthen, which suspends or crushes all internal life" (Mill 2003: 131). Because there is such a diversity among human beings in terms of "their sources of pleasure, their susceptibilities of pain, and the operation on them of different physical and moral agencies", there is also a need for "a corresponding diversity in their modes of life" (Mill 2003: 131). So for Mill, not only the activities that are both liked *and* disliked by too many people, such as rowing, smoking, music, athletic exercises, chess, cards, and study, should neither be promoted nor demoted by the state, but even those who do "what nobody does" or do not do "what everybody does" should not be regarded as having committed a grave moral delinquency (Mill 2003: 132).[3]

3. Rawls thus emphasizes the potential danger of government enforcing certain conceptions of good: "when it is said, for example, that certain kinds of sexual relationships are degrading and shameful, and should be prohibited on this basis, if only for the sake of the individuals in question irrespective of their wishes, it is often because a reasonable case cannot be made in terms of the principles of justice. Instead we fall back on the notion of excellence. But in these matters we are likely to be influenced by subtle aesthetic preferences and personal feelings of propriety; and individual, class, and group differences are often sharp and irreconcilable" (Rawls 1971/1999: 291). Thomas Nagel makes a similar point: "those who ague against the restriction of pornography

As I have mentioned, contemporary perfectionists, mostly moderate, do not have any problem with the idea of diversity of the good life. The question is whether there is any distinction between a good life and a bad life. Liberals of course do not deny that. When they emphasize the diversity of good lives, they do not mean that every conception of the good life is equally valid, or that a life is good as long as the person who lives it thinks it is good, or that there is no life that is not good. Dworkin points out that "[w]e make no sense of ethical experiences except on the supposition that these are objective: a particular life cannot be good for me just because I think it is, and I can make a mistake in thinking a particular life good" (Dworkin 1990: 75). In this sense, Dworkin points out that liberals don't accept a subjectivist view of a good life: "living *out* of conviction...requires reflection, coherence, and openness to the examples of others. It requires me to reflect, from time to time, on whether I do find the life I am living satisfactory, and to take doubts and twinges to heart. It also requires me to open my mind to the advice and examples of others, and to the kinds of issues we have been exploring here: whether an unjust society is in my interest, for instance, and whether my society is a just one" (Dworkin 1990: 81). Of course, even so (to say nothing of not so), a person may still be mistaken about the goodness or badness of the life he or she lives. However, even in such cases, liberals do not believe that state perfectionism is the good solution. On the one hand, if one can be mistaken about the life that is good for himself or herself, then others are more, and the state still more, likely to be mistaken about the life that is good for this person. After all, generally no one is more concerned about a person's life than that person himself or herself. On the other hand, to live a bad life that one endorses is still better than, or not as bad as, or at least not worse than to live a "better" life that one has not chosen. As Dworkin points out, "convictions seem to play a

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or homosexuality or contraception on the ground that the state should not attempt to enforce contested personal standards of morality often don't think there is anything wrong with pornography, homosexuality, or contraception. They would be against such restrictions even if they believed it *was* the states' business to enforce personal morality, or if they believed that the state could legitimately be asked to prohibit anything simply on the ground that it was wrong" (Nagel 1991: 156).

more important part in ethics than that flat statement allows. It seems preposterous that it could be in someone's interests, even in the critical sense, to lead a life he despises and thinks unworthy. How can that life be good for him?" (Dworkin 1990: 76). Dworkin's view here again echoes what Mill says on this issue. Mill acknowledges the possibility that one is mistaken about his good life even if he employs all his faculties in making his decisions; he also acknowledges the possibility that, without making such decisions on his own, he may be guided by others on some good paths and kept out of harm's way, but Mill asks: "what will be his comparative worth as a human being? It really is of importance, not only what men do, but also what manner of men they are that do it" (Mill 2003: 124); for Mill, "if a person possesses any tolerable amount of common sense and experience, his own mode of laying out his existence is the best, not because it is the best in itself, but because it is his own mode" (Mill 2003: 131).

From this, it is clear that the liberal idea of neutrality is not an amoral or even immoral idea, as is sometimes claimed by perfectionists. Joseph Raz, for example, states that it is an immoral idea, because "it advocates neutrality between valid and invalid ideals of the good. It does not demand that the government shall avoid promoting unacceptable ideas. Rather, it commands the government to make sure that its actions do not help acceptable ideals more than unacceptable ones, to see to it that its actions will not hinder the cause of false ideals more than they do that of true ones" (Raz 1986: 110-111). In his view, liberal neutrality with respect to various conceptions of the good means that "neither the validity, cogency or truth of any conception of the good, nor the falsity, invalidity or stupidity of any other may be a reason for any government actions" (Raz 1986: 108). However, this is clearly not what liberals think about their conception of neutrality. Bruce Ackerman, for example, argues that "whatever else it may be, neutrality is not a way of transcending value; it is a value, which can only be defended by locating its relationship to other values" such as tolerance, equality, liberty, and mutual respect (Ackerman 1990, 29). Here, neutrality does not mean to be neutral with respect to all moral ideas. Rather, as Charles Larmore points out, "it aims to be neutral with respect to controversial views of the good life" (Larmore 1996, 125; see

also Larmore 1987, 69).

The question is then whether a liberal state can indeed be neutral with respect to various conceptions of the good life. As Rawls realizes that the term neutrality has misleading implications, he draws some distinctions. The first is between procedural and substantive neutrality. A neutral procedure is one that is justified "without appealing to any moral values at all" or "by an appeal to neutral values, that is, to values such as impartiality, consistency in application of general principles to all reasonably related cases... and equal opportunity for the contending parties to present their claims" (Rawls 1993: 191). Rawls claims that his justice as fairness is not procedurally neutral as it is a substantive idea. The second distinction he makes is one between neutrality in aim or intention and neutrality in effect. In order to be neutral in effect, "the state is not to do anything that makes it more likely that individuals accept any particular conception rather than another unless steps are taken to cancel, or to compensate for, the effects of policies that do this" (Rawls 1993: 193). Justice of fairness is not neutral in this sense.[4] Justice of fairness is neutral, however, in terms of the intention or aim in the sense that the state does not do anything aimed or intended to encourage some conceptions of good while discouraging others. The primary reason that the state should be neutral with respect to such views is that none of these views is true to or "affirmed by citizens generally, and so the pursuit of any one of them through basic institutions gives political society a sectarian characters" (Rawls 1993: 180).[5]

4. Rawls mentions two cases in which some comprehensive conceptions of the good may be discouraged by justice as fairness: either "their associated way of life may be in direct conflict with the principles of justice; or else they may be admissible but fail to gain adherents under the political and social conditions of a just constitutional regime" (Rawls 1993: 196). As an example of the former, Rawls mentions the conception of the good requiring the repression or degradation of certain persons on morally irrelevant grounds; as the example of the latter, Rawls mentions the example of the conception of the good that, affiliated to certain religion, can survive only if the religion controls the machinery of the state and is able to practice effective intolerance.

5. Thomas Nagel agrees that the liberal neutrality is not neutral in its effect: "A state might adopt policies for other reasons which have the effect of making it easier for one conception to be realized than another, thus leading to growth in adherence to the

3. Contemporary State Perfectionism

As pointed out by Steve Angle, state perfectionism, despite its name, is not a doctrine about how to make a perfect state or government. Rather it is a doctrine about how state or government can make its citizens perfect by promoting good ways of life and discouraging bad ones (Angle 2009: 204-205). Contemporary state perfectionism, as a counterpart to political liberalism that embraces the idea of state neutrality, also focuses on the self-regarding aspects of individual activities. While moderate perfectionism generally agrees with liberalism that there is no one single way of life that is best for every one, as we mentioned, it does recognize a range of valuable ways of life and a range of nonvaluable ones and claims that the state ought to favor the former. For example, according to Finnis, perfectionism is the view that "the state has the responsibility and the right to foster the good, the well-being, flourishing, and excellence, of all its citizens and to discourage them ...from at least some of the actions and dispositions which would injure, degrade, or despoil them, even some actions and dispositions which as such are 'self-regarding'" (Finnis 1989: 434).[6] Crucial to state perfectionism is then to provide criteria to distinguish between good and bad ways of life. Perfectionists take three main approaches.

The first and also the most common type is human nature perfectionism: to determine human goodness in terms of human nature. Crucial to this version of perfectionism is developing an appropriate

one as opposed to the other" (Nagel 1991: 166). The example he mentioned is liberal toleration or neutrality, "though not motivated by the aim of promoting secularism and discouraging religious orthodoxy, may have these effects nevertheless" (Nagel 1991: 166). In other words, even though liberal neutrality is based on impartiality among competing conceptions of the good and does not appeal to any of them to justify political authority, it may still have different impacts upon these conceptions of the good.

6. Thomas Hurka also emphasize this feature of perfectionism: "on the view now dominant among philosophers, morality concerns only acts that affect other people. It tells us not to frustrate others' desires or interfere with their freedom but says nothing about what we or they should choose for ourselves. Perfectionism strongly rejects this view.... In my view, its acceptance of *self-regarding duties* is a great strength in perfectionism" (Hurka 1993: 5).

conception of human nature. Thomas Hurka, the most influential contemporary human nature perfectionist, argues against the view of human nature as properties unique to human beings, properties that only human beings possess, as it would regard anything that humans share with other beings as not belonging to human nature, however essential it may be to human beings, and it would regard anything that is unique to humans as belonging to human nature, however trivial it may be. Hurka also argues against the view of human nature as properties essential to human beings, the properties that one must possess in order to qualify to be a human being, as it is too inclusive: many properties, such as being self-identical and being occupiers of space, that human beings must have in order to be human beings are also properties that beings very different from humans beings must have in order to be the kind of the things they are (Hurka 1993: 10-12). Instead, Hurka argues that human nature consists of properties that are "*essential to humans and conditioned on their being living things*" (Hurka 1993: 16; italic original), which avoids the respective problems of the distinctiveness view of human nature and the essence view of human nature. Hurka claims that such a view of human nature is essentially Aristotelian, which embraces three values: "physical perfection, which develops our physical nature, and theoretical and practical perfection, which develop theoretical and practical rationality" (Hurka 1993: 37). Theoretical perfection is equated with knowledge or justified true belief (Hurka 1993: 100). The more true and fundamental beliefs one acquires, the more valuable one's life is. The practical perfection is equated with "the successful achievement of one's goals, given a justified belief that this success would happen" (Hurka 1993: 100). The more achievement one makes and the more significant such achievements are, the more valuable one's life is.

On this basis Hurka develops his state perfectionism: "the best political act, institution, or government is that which most promotes the perfection of all humans. This standard can be used to judge governments' external behavior, for example, to condemn them for starting aggressive wars, but its more common application is internal" (Hurka 1993: 147). To respond to the common complaint that perfectionism is hostile to the modern political value of autonomy,

Hurka argues that autonomy itself is a perfection, as "there is an obvious connection between autonomy and rational deliberation": practical perfection "involves expressing intentions in the world and determining what it does and does not contain. The autonomous agent, by virtue of her autonomy, more fully realizes this idea" (Hurka 1993: 150). However, Hurka argues that this does not mean that government do all that it can to promote individuals' autonomy. On the one hand, autonomy is only one of many values, and sufficient increases in these other values may outweigh some loss of autonomy. On the other hand, "sometimes restricting a person's autonomy now will do more to increase her autonomy in the future, by giving her more options in the future or a greater capacity to choose autonomously among them" (Hurka 1993: 148). To illustrate what he means, Hurka asks us to image Mozart as a young boy being forced into music and, as a result, lacking reasonable autonomy. However, Hurka argues, if we think seriously about the good, we cannot make the claim that "Mozart's life, despite its great musical achievements, contained less perfection than if he had been given freedom in his youth and had autonomously chosen a life of suntanning.... Even if autonomy has some value, it cannot have so much as to outweigh all Mozart's music" (Hurka 1993: 149).

Hurka does recognize that there is a limit to government's effort to promote a good life. Other than physical perfection, human perfection is internal. It is largely something that can be achieved by the person himself or herself. For this reason, Hurka acknowledges that governments "cannot directly produce their citizens' good. They can supply necessary conditions for their citizens' perfection, or conditions that make this perfection more likely, but the sufficient conditions are beyond their power" (Hurka 1993: 142). What Hurka tries to argue here is that government cannot promote citizens' perfection through coercive measures, which are not only ineffective but even counter-productive: "by removing routes to excellence, inducing less valuable motives, and weakening self-direction," they diminish rather than enhance citizens' perfection (Hurk 1993: 155).[7] Hurka even

7. Steven Wall mentions a related point, originally made by D. Husak: even if a person truly lives an unworthy life, it is still not as bad as living a life in jail; in other words, it is counterproductive to punish a person by jail sentence for living an unworthy life (Wall 1998: 220).

acknowledges that while habituation often works well with children and is therefore desirable in producing perfections in them, "the same tactic is less effective with adults, who usually have fixed values and interests and are therefore harder to lead to new ones. What is more, they tend to resent directives about their private lives and to obey them at best grudgingly" (Hurka 1993: 154).

Still, Hurka argues that while the state cannot coercively force people into a single best activity, it can non-coercively promote a range of good activities and forbid "some one worst activity, for example, forbidding the tenth-ranked of ten activities" (Hurka: 156). In his view, it is important to distinguish between liberty and state neutrality. For example, Mill is clearly a liberal, but Hurka claims that, like perfectionists, Mill does not support state neutrality with respect to different self-regarding activities, for "[h]e thinks a person's choosing badly, although no reason to coerce her, does justify 'remonstrating' and 'reasoning' with her" (Hurka 1993: 159). Particularly, Hurka claims that the state can promote perfection through its education system: "Its schools can teach students about the natural world and the history of their culture, in part because knowing these subjects is intrinsically good. They can also introduce students to literature, music, and athletics. The schools' efforts here will not be undiscriminating; there will not be courses exposing students to drug-taking or professional wrestling. The education system will lay the foundations for valuable activities, not for ones of minimal worth" (Hurka 1993:159). He claims that such an education can be extended to adults by sponsoring related advertisements. In addition, the state can subsidize activities valuable for various reasons. For example, "activities taken part in by fewer people do not reach economies of scale and are therefore expensive. State subsidy thus encourages perfection in the minority. For another, some valuable activities may not be appreciated by the young and adults are discouraged by the initial high costs. For still another, people may appreciate some valuable activities, for example, pursuit of the arts, but they also have less desirable impulses, for example, pursuit of professional wrestling. The state subsidy for the former can ensure that people will choose the more desirable over the less desirable ones" (Hurka 1993: 195).

The second is objective list perfectionism. The objective list was first proposed by Derek Parfit, according to whom, "certain things are good or bad for people, whether or not these people would want to have the good things, or to avoid the bad things. The good things might include moral goodness, rational activity, the development of one's abilities, having children and being a good parent, knowledge, and the awareness of true beauty" (Parfit 1984: 499). Parfit himself does not provide an argument to show why this list of good things is objective, which is accomplished by George Sher. Sher claims that such goods are related to what he calls fundamental human capacities, capacities "whose exercise is both near-universal and near-inescapable", and human goods, i.e., the traits and activities that have inherent value, and are the successful exercise of these fundamental capacities as measured by the achievement of their defining goals (Sher 1997: 202). Sher then tries to show that the good things on Parfit's list can qualify as objective human goods. In doing so, Sher divide these six items into two groups.

The first group includes knowledge, rational activity, and social interaction (a generalized version of Parfit's having children and being a good parent). First, regarding knowledge, Sher argues that "despite our manifest differences, each of us has both a native capacity to understand the world and an inescapable tendency to try to exercise that capacity" (Sher 1997: 203). This capacity is fundamental as we need it when we propose a scientific hypothesis, try to predict the stock market, idly read the newspaper, engage in conversation, or simply look about us. Since knowledge is the successful exercise of this fundamental capacity, it is inherently valuable and so is a human good. Second, on rational activity, Sher claims that "just as we cannot avoid trying to understand the world, we also cannot avoid thinking about how to act in and upon it. As practical agents, we are unavoidably implicated in a complex sequence of activities whose goal and characteristic tendency are the performance of reason-based actions" (Sher 1997: 204). So as with knowledge, the formation and execution of reason-based plans is also inherently good. Third, on the value of the generalized version of Parfit's "having children and being a parent," i.e., the value of social interaction, Sher claims that "over the longer term, our efforts to form

social bonds do seem close to inescapable. At the very least, we all have very powerful urges to seek out, communicate with, and care for and be cared for by other human beings" (Sher 1997: 206).

While the three good things in the first group for Sher are all internal goals of the fundamental human capacities, the three things in the second group, moral goodness, the appreciation of true beauty, and the development of one's abilities, Sher acknowledges, are not fundamental human goals (Sher 1997: 207). Nevertheless, he argues that they are goals that we should all pursue because of their relation to the near-universal and unavoidable goals. First, the development of one's ability has a clear connection to fundamental goals. On the one hand, developing any ability improves some set of cognitive, practical, or social skills, and, on the other hand, each skill contributes to the achievement of various goals, including various fundamental ones. Indeed, Sher claims, "almost every successful attempt to achieve a fundamental goal relies on, and would be impossible if the agent lacked, many previously developed abilities" (Sher 1997: 207-8). Second, moral goodness is related to the fundamental capacity of rational activity, especially at its earlier stages when decisions are reached. The generic aim in making a decision is to ensure it is supported by the strongest reasons, and, Sher claims, since moral reasons are always very weighty, "a morally good decision will (almost) always be inherently better than a morally bad one" (Sher 1997: 209).[8] Third, regarding appreciation of true beauty, Sher distinguishes between "the values that are embodied *by* artworks" and "the value of a life that is engaged *with* them" (Sher 1997: 211). The former is the aesthetic value, while the latter is the value of aesthetic awareness. In Sher's view, "whatever we say about aesthetic reasons, anyone who rejects their force is unlikely to regard aesthetic awareness as inherently valuable either" (Sher 1997: 211).

From the above discussion, Sher draws his perfectionist conclusion: since those on Parfit's objective list are indeed objective human goods, "governments and individual political agents often have ample reasons to promote such lives" (Sher 1997: 245). Accordingly, governments and its individual political agents ought to prohibit the

8. This does not seem to be a good argument, for immoral reasons may also be strong reasons to act, at least for immoral people.

opposite of these human goods. On the one hand, Sher defends such a restriction of available ways of life against the liberals' "autonomy argument": individual adults should have autonomy to choose their own preferred ways of life. Sher argues that "because each agent's options will anyhow outrun his experience, a few more restrictions on what agents can observe seem unlikely to have much impact on the quality of their decisions" (Sher 2003: 225). On the other hand, Sher also defends it against the liberals' "experiment argument": individual adults should be allowed to experiment new and unconventional ways of life, even if they are regarded as bad by society. For Sher, because we have historical record of many previous experiments in living, "the need for new experiments is largely vitiated by our extensive repository of information about old ones. We hardly lack data about the effects of heroin use or the benefits or drawbacks of easy access to divorce: experiments yielding such data have already been performed many times" (Sher 2003: 226).

The third is liberal perfectionism, originally proposed by Josepha Raz (see Raz 1986) but more fully and explicitly developed by his student Steven Wall. According to Wall, liberal perfectionism is "a perfectionist account of political morality that holds that personal autonomy is a central component of human flourishing" (Wall 1998: 2). Since liberals emphasize the idea of autonomy, liberal perfectionism holds not only that "it is morally permissible for governments to promote, actively and intentionally, the ideal of autonomy" (what Wall calls type (1) perfectionism); but also that "it is morally permissible for governments to favor, actively and intentionally, valuable pursuits over less valuable ones" (what Wall calls type (2) perfectionism) (Wall 1998: 197-198). To promote the value of autonomy, Wall argues that government ought to make positive efforts to help citizens "develop the capacities and skills needed to realize the ideal of autonomy as well as positive efforts to ensure that their environment gives them access to a rich and varied range of options" (Wall 1998: 206). Such efforts include enacting "policies that cultivate the requisite skills and capacities", ensuring "that all subjects have access to a sufficiently wide range of options", and enforcing "legal rules that protect people from coercion and manipulation" (Wall 1998: 206). To illustrate it, Wall

uses an example of "a small religious community in modern Western society [that] refuses to send its children to state-accredited schools. They want to teach their children the skills necessary for their way of life and they want to insulate them from the outside world" (Wall 1998: 207). Since when left alone, the younger members will not receive a liberal education and will not be taught some of the skills necessary for an autonomous life, Wall thinks that the government acts correctly if it requires this religious community to send its children to state-accredited schools.

So clearly type (1) perfectionism is indeed related to the liberal idea of autonomy. What about perfectionism type (2), which requires government to favor valuable pursuits over less valuable ones? Regarding the relationship between these two types of perfectionism, Wall claims that "it follows" that those who accept type (2) perfectionism will accept type (1) perfectionism, assuming that they accept autonomy as a valuable idea. However, it is not clear that those who accept perfectionism type (2) do accept autonomy as a valuable idea. This is related to Wall's more controversial claim. Although people may think that it is possible to accept perfectionism type (1) without accepting perfectionism type (2), Wall claims that "once one has embraced type (1) perfectionism, thus conceding in the principle the legitimacy of perfectionist political action, it would seem that there is nothing to prevent one from also embracing type (2) perfectionism" (Wall 1998: 198). This argument seems weak. People accept type (1) perfectionism because it is consistent with their idea of autonomy, and so from this we cannot draw the conclusion that they will therefore accept any type of perfectionism, particularly if it is against the idea of autonomy. Wall addresses the liberal concern that type (2) perfectionism is against autonomy as it discriminates some pursuits against others. He acknowledges that some forms of type (2) perfectionist political action may indeed involve coercion or manipulation, but not all forms do so. However, even if this is the case, Wall only shows such governmental actions are not against autonomy, which is not enough to show that such actions are based on autonomy. In order to do so, Wall argues that "an autonomous life is valuable, if and only if it is a life composed of pursuits that are, by and large, worthwhile and valuable" (Wall 1998:

201). This, however, does not show that type (2) perfectionism is based on autonomy but only that both type (2) perfectionism and autonomy are based on the idea of valuable life, while the problem is precisely that autonomous people may disagree on what constitutes a valuable life, as otherwise there would be no need for any governmental incentives to favor certain types of life over others.

In any case, to illustrate his type (2) perfectionism that does not involve coercion or manipulation, Wall uses two examples. On the one hand, government can correctly spend public money on the creation and maintenance of museums and grant public subsidies to artists in order to stimulate appreciation of high art, which society believes is valuable (Wall 1998: 213). On the other hand, government can also legitimately implement regulations and restrictions designed to discourage the consumption of a class of drugs that damage the interest of those who consume them, even if some people wish to use them and fully understand the dangers of doing so (Wall 1998: 219).

4. What's Wrong with Contemporary State Perfectionism

As I have problems with the liberal idea of neutrality,[9] I wish to believe that state perfectionism is true, and government can legitimately promote good ways of life, even if they are merely self-regarding. However, while contemporary state perfectionists have made a number of interesting points, I don't think they have made a convincing case for state perfectionism, at least to liberals embracing the idea of state neutrality.

First, in their argument against liberals, perfectionists tend to argue for what governments can do to citizens from what liberals

9. I have previously argued against the liberal idea that the state ought to be neutral with respect to people's religious and metaphysical doctrines. Technically, I do not reject the idea of neutrality per se. Rather, I argue that the state can better maintain such neutrality or fairness not by ignoring them all but by taking them all into consideration in developing its political principles of justice. In this sense I adopt an active or positive conception of neutrality against the passive or negative one held by liberals, even though I didn't draw this distinction back then (see Huang 2001: Chapter 5, Section 1 and Huang 2003).

think individuals can do to each other. For example, as we have seen, Thomas Hurka argues that "neutrality is not a traditional liberal ideal, for it is rejected by Mill: He thinks a person's choosing badly, although no reason to coerce her, does justify 'remonstrating' and 'reasoning' with her" (Hurka 1993: 159). What Mill says here is what individual citizens can do to each other: while they cannot force their conceptions of good life upon each other, they can try to persuade each other. It belongs to his general idea of liberty of thought and discussion. We can see this more clearly if we notice that, for Mill, individuals can not only remonstrate with, reason with, persuade, or entreat a person against causing harm to himself or herself (Mill 2003: 80); they are also free to counsel a person to do what the society considers as harmful to the person himself or herself (Mill 2003: 160). From this it is clear that what a liberal state allows its citizen to do is not necessarily what the state itself can do. For example, in a religiously plural society, the state can allow the members of each religion to persuade members of other religions to convert to each other, but government itself is not allowed to convert any citizens to any religion.

This confusion between what a liberal government allows its citizens to do and what the government itself can do is also present in Steven Wall's argument. Wall argues that it is not wrong, and a liberal state will allow it, if one of your friends gives you $50 should you go to a natural park, as "she believes that the offer will induce you to discover and appreciate a value (the value of natural beauty) that you would otherwise overlook; or perhaps she thinks that you are aware of this value, but that you need some assistance if you are going to adequately appreciate it" (Wall 1998: 200). There is nothing wrong with your friends doing so, and you will not complain that your friend's doing so undermines your autonomy. From this Wall draws the conclusion that "if our friends can offer us money to go to a natural park without invading our autonomy, then our government can do it as well" (Wall 1998: 203). This argument has a similar problem to Hurka's. One may have many friends, one offering $50 to induce you to go to a natural park, another to a sport event, another to a movie theater, another to a particular church, another to collect stamps (or coins, or pens, or guns), another to go hunting, another to buy lottery tickets, another to go car

racing ... each thinking his/hers is the best activity you ought to engage in. However, unless the government thinks that all these activities are good for you and offers $50 for each of these activities you undertake, it is not right for the government to side with any one of your friends.

There is an additional problem in Hurka's and Wall's arguments, although it is clearer in Wall's. To show this problem, let us *slightly* modify his example. Suppose your friend first takes $50 from you, which you originally plan to put to what you think (rightly or wrongly) is the best use, and then uses it to induce you to go to the natural park, which originally you have no interest in going to. Is there something wrong with your friend's doing so, and will you think your friend's doing so undermines your autonomy? I think the answer is perhaps "yes". The difference between this modified example and Wall's original example is that here the money is taken from you by your friend, while in the original, the money comes from your friend. Now this is precisely the difference between government and individual citizens. Government itself does not have money; any money it has comes from citizens. So whenever government uses money to induce its citizens to live what it thinks is the best way of life, what it does is essentially no different from your friend who takes money from you and uses it to induce you to do the thing that he or she thinks is best for you. This problem is also present in the persuasion that Hurka thinks a government can use to promote particular types of activities or ways of life. Presumably, government can do such persuasion by buying advertisements, which of course costs money that can only come from individuals.

Second, perfectionism tends to confuse what government can do to children and what it can do to adults. For example, as we have seen, when he tries to justify governments' measures taken to enhance its citizens' autonomy (type 1 perfectionism), Wall uses the example of a small religious group that does not allow its children to receive liberal education and develop their autonomy. When he tries to justify the governments' function in promoting valuable ways of life (Wall's type 2 perfectionism), Hurka also emphasizes the importance of the education system, in which students are taught literature, music, history, science, and athletics, etc., but not, for example, drug-taking or professional wrestling. However, this is not something that liberals

have any disagreement with. Mill, for example, after stating that government cannot rightfully compel a person to do things that it thinks are good for the person, immediately states that this only applies to human beings in the maturity of their faculties and not to children, who "must be protected against their own actions as well as against external injury" (Mill 2003: 81). [10]

If perfectionists disagree with this liberal distinction between children and adults, they should argue that governments' perfectionist measures toward children can also be justifiably applied to adults and not simply assume that, since governments are justified in their perfectionist measures toward children, it must also be justified to do the same to adults. However, such an argument is lacking in perfectionism. First, let us look at Wall's argument for governmental promotion of autonomy. If what is involved is not children but adults, is it still right for government to ban all religious groups or cults, which are controlled by their charismatic leaders, and whose members just follow their leaders faithfully and therefore do not have autonomy, as long as they voluntarily join these groups and at least have the autonomy to decide whether to stay in or leave their groups? I think the answer is at least not immediately clear.[11] Second, let us look at Hurka's argument for governmental promotion of valuable ways of life education. Hurka thinks that such education should go beyond

10. In addition to children, John Rawls even mentions those seriously injured or mentally disturbed and therefore unable to make decisions for their good and those with irrational inclinations resulting foolish actions and imprudent behavior. In all these three cases, Rawls agrees that, others, presumably including the state, are authorized and sometimes required to act on behalf of such people and to do for those people if they were rational. However, Rawls insists that such paternalistic intervention of a person must be justified not only by the fact that this person in due course will accept this intervention (as a brainwashed person may indeed accept what the brainwasher wishes him or her to accept) but also by (1) the evident failure or absence of reason and will of the person and (2) the principles of justice and what is known about the person's more permanent aims and preferences (Rawls 1999: 219-220).

11. Mill does argue against voluntary slavery, but this is because for him even though a person decides to be a slave voluntarily, as soon as he or she becomes a slave, the person foreges his or her autonomy and thus is unable to quit it (Mill 2003: 163-4). For Mill, just as the state cannot force a person to live an autonomous life, it should not allow a person to autonomously decide to give up autonomy.

children to adults, although its primary venue of education is not the school system but advertisements (Hurka 1993: 159). This argument has the same problem as the government's using individuals' own money to buy advertisements to persuade these individuals to live the ways of life that government thinks are good for them when these individuals disagree.

However, a perfectionist may ask, if it is right for the government to promote what it considers to be valuable ways of life and discourage what it considers to be disvaluable ways of life to children through the school system (which also costs taxpayers' money), why is it wrong for the government to do the same to adults? Liberals can easily come up with answers. I shall explain their reason why government should not promote certain types of life among adults below when I discuss the third problem with the perfectionist argument. Here I want to mention something that is perhaps less controversial: why is it right for the government to not allow children to have access to certain types of life that it should allow adults to have access to? Clearly such types of life are those that government or society in general thinks are harmful to people, both children and adults. It is true that government or the society in general is not infallible, and some or all of these types of life may be good to some if not all people. However, children obviously lack the rational capacity to discern what is true and what is false or at least is more fallible than the government or the society in general, and so it is safer to let government or society in general decide what is best for children rather than let children decide for themselves. However, an adult with rational capacity, particularly one who has gone through the governmental education system as a child, should be allowed to live an alternative way of life, which, in comparison, he or she may think is better than, or at least as good as, the way of life he or she was taught as a child, or at least worth trying. Of course, the person can be mistaken in judgment, but the chance of being mistaken is generally significantly lower not only than children but also than the state.

Third, perfectionists tend to ignore the distinction between what government can do with people's other-regarding actions and what it can do with their self-regarding actions. For example, in his discussion of the harm principle that liberals embrace, Joseph Raz

argues that, according to this principle, "the only reason for coercively interfering with a person in order to prevent harm is that it is wrong to cause such harm. But if coercive interventions are justified on this ground then they are used to enforce morality. If so why stop with the prevention of harm? Why not enforce the rest of morality?" (Raz 1986: 415). In other words, when the government enforces the harm principle, it enforces part of a morality; and if government can rightfully enforce this part of morality, the part that involves individuals' other-regarding actions, then it cannot be wrong for the government to enforce the other part of morality, the part that involves individuals' self-regarding actions, particularly because Raz thinks that both parts of the morality are derived from the same foundation: autonomy. When someone does something to harm a person, that person loses autonomy or the condition of the person's autonomy is made worse. That is why the harm principle, as commonly understood, justifies government's action to prevent anyone from doing anything harmful to anyone else. Now Raz wants to extend this harm principle to include harm that, while not making the harmed person's condition of autonomy worse than it was, makes the person's condition of autonomy worse than it should be, for "sometimes failure to improve the situation of another is harming him" (Raz 1986: 416). What Raz has in mind here is not merely the harm to others by one's inaction, for example, the harm we cause to a drowning person by not providing help, since such harm is also included in Mill's harm principle (see Mill 2003: 81-82). Rather, it is the harm we cause to others by our failure to stop their living a way of life that we think is bad for them or to make them live a life that we think is good for them. It is in this sense that the claim can be made that perfectionism fails to make a distinction between individuals' other-regarding and self-regarding actions in its idea of what a government can or ought to do to individuals.

Liberals certainly have problems with such a direct link between people's other-regarding and self-regarding actions. Thomas Hurka recognizes one, but I think he dismisses it too quickly. When he discusses the idea of human nature, he mentions that human has six classes of essential properties. In addition to those an individual human shares, respectively, with all objects, physical objects, living

things, animals, and other humans, Hurka also mentions the properties essential to this individual human, properties that make this person different from other human beings. Hurka acknowledges that the idea of individual perfection is coherent but claims that it does not have plausible consequences (Hurka 1993: 15).[12] However, as we have seen, this is the very reason that liberals must emphasize individuality. As argued by Mill, "[I]t is not by wearing down into uniformity all that is individual in themselves, but by cultivating it and calling it forth, within the limits imposed by the rights and interests of others, that human beings become a noble and beautiful object of contemplation.... In proportion to the development of his individuality, each person becomes more valuable to himself, and is therefore capable of being more valuable to others" (Mill 2003: 127-8). Clearly, if the idea of individual perfection is plausible, the best way for the government to promote it is to let each individual pursue his or her individual perfection, since it is inconceivable for government to recognize each person's individual perfection and do things to promote it.

Of course, liberals do not necessarily deny that there are some *human* perfections that all human beings would like to pursue at least to some degree, such as knowledge, rationality, and appreciation of art and music and that are often crucial to one's success in pursing individual perfections. This is indeed the reason why liberals agree that children should be taught them. The question is whether government should do the same for adults. Liberals are in doubt. As it is impossible for one person to be an Einstein, Shakespeare, Mozart, van Gogh, Wilt Chamberlain, etc., all rolled into one, once the basic intellectual, practical, and aesthetic abilities are developed, each individual must decide in which area to excel. Moreover, the person's decision is often closely related to the properties necessary for the person as this particular individual, the properties, as just mentioned, the government is unable to promote positively (by doing something); it may also be closely related to the person's religious belief, which moderate

12. One of the implausible consequences Hurka mentions is what if a person's profile contains ability for killing. However, development of such abilities is already excluded by the harm principle, since it involves other-regarding rather than self-regarding actions.

perfectionists also do not think the state should favor over competing beliefs. However, it is important to keep in mind that liberals will not necessarily oppose many programs that perfectionists want to use taxes to support, such as knowledge, music, and the arts. Their reason, though, is not to induce people who originally have no interest in pursing these activities to pursue them, but to provide support to those who originally want to pursue them but lack the resources to do so. In other words, liberals support such programs on the basis of equal access to basic goods rather than to promote a particular way of life. This is similar to what Mill says about stimulants such as alcohol. If we think it is bad to consume stimulants and so try to make it harder for people to do so by raising taxes on them, Mill thinks it is unjustifiable. However, if we need to raise revenue and must decide whether to raise taxes on food, for example, or on stimulants, it is justifiable to raise taxes on the stimulants, not only because everyone needs food, while not everyone needs stimulants, but even those who use stimulants cannot enjoy them if they are starving.

Finally, moderate perfectionism is not as friendly to the idea of autonomy as it claims. We can see this in at least two areas. On the one hand, it is true that moderate perfectionism emphasizes the difference between forcing people to do or not do something and inducing people to do or not do something. The measures it thinks the state should take simply make it easier for people to live certain ways of life and harder to live other ways of life. However, it claims that the state does not coercively make it illegal for people to live or not live certain ways of life. We may think this is an important distinction that ensures that such a state perfectionism does not undermine autonomy, and we may thus think that Mill is wrong to claim that this is merely a difference in degree and that it is justifiable to make certain types of life more difficult for people only if it is justifiable to make them impossible for people (Mill 2003: 162). However, Mill may still have a point. Suppose that the government takes a measure to make it more difficult for people to smoke by raising the tax on cigarettes. These measures either succeed or fail. If they fail, the state fails to promote its perfectionist goal; the state, in order to be perfectionist, must further raise the tax to the degree that people can no longer afford to smoke. But then they

don't smoke not because they think it is bad for them, but because the state simply makes it "impossible" for them (in the sense that they do not afford) to smoke. In this sense, their autonomy is still undermined, because they cannot live their way of preferred life.

On the other hand, moderate perfectionism claims that it does not promote one single best way of life. Instead, it promotes a whole range of good ways of life. For example, Hurka claims that what a perfectionist state does is simply to rank different ways of life and then only exclude the lowest ranked. Thus individuals can still choose among a wide range of good ways of life, and so their autonomy is not undermined. The problem is that clearly not every individual living in a society ranks different ways of life in the same way the state does. If it did, then perfectionism would become superficial as naturally everyone would pursue his or her top-ranked way of life, also top-ranked by the state. As a matter of fact, however an individual may rank a way of life atop that the perfectionist state ranks as the lowest and therefore intends to exclude. In this case, the state not only limits the range of options that individuals can choose from but essentially excludes the possibility for the individual to live his or her preferred way of life.[13] Now perfectionists may claim, as both Hurka and Sher actually do, that the rank of different ways of life is objective, and the state accepts the objective ranking. So anyone who ranks them differently from the state is ranking them subjectively and therefore is wrong. If (of course a big "if") all these are true, does this mean that the state can make, even if not coercively (though we have already blurred the distinction between coercive and non-coercive), people live a life that they regard, even if mistakenly, as unworthy? Joseph Raz's answer seems to be affirmative, as he claims that "indeed autonomously choosing the bad makes one's life worse than a comparable non-autonomous life is" (Raz 1986: 412). This claim, however, is at least as controversial as (if not more so than) Mill's opposite claim: to live a life that is not best in itself but one

13. In this case, the "democratic perfectionism" that Hurka borrows from Amy Gutmann will not help either. According to "democratic perfectionism," state action to promote a particular way of life is justified because, but only because, it is approved by a democratic majority (Hurka 1993: 36), for such a way of life may be good for the majority but not necessarily for the minority.

mistakenly regards as best and therefore chooses himself or herself is better than to live a life that is "best" in itself but one does not recognize as the best and therefore does not choose himself or herself.

5. Confucian State Perfectionism

I don't mean to argue that perfectionism is wrong; actually I wish it to be right. However, I don't think convincing arguments have been sufficiently developed either to support state perfectionism or to argue against liberal idea of state neutrality, and I don't claim that I have any good argument to offer in this essay. However, in their debate against the liberals, I think perfectionists have missed an important front. As we have seen, liberals make it clear that their idea of neutrality is only applicable to individual's self-regarding activities. What is the liberal view on the role of government with regard to individuals' other-regarding actions? Joseph Raz is right when he says that the harm principle that liberals embrace essentially states that the government can legitimately enforce the part of morality that involves other-regarding actions. However, instead of turning to make the controversial claim that therefore government can also legitimately enforce the part of morality that involves self-regarding activities, he should have questioned the way that liberals think the government should enforce the part of morality that involve people's other-regarding actions.

It is in this respect that I think perfectionists can make a strong case against liberals, and it is also in this respect that I think perfectionists have much to learn from Confucianism. Although Confucianism also adopts the human nature approach in its conception of the human good, what Confucianism considers to be properties one must possess in order to qualify to be a human being are not merely moral qualities but those moral qualities that are primarily other-regarding. This is made most clear in the following famous passage by Mencius: "everyone has the heart that cannot bear to see the suffering of others.... Whoever is devoid of the heart of commiseration is not a human; whoever is devoid of the heart of shame is not a human; whoever is devoid of the heart of courtesy and modesty is not a

human; and whoever is devoid of the heart of right and wrong is not a human. The heart of commiseration is the beginning of humaneness, the heart of shame is the beginning of rightness, the heart of courtesy and modesty of the beginning of propriety, and the heart of right and wrong is the beginning of wisdom" (*Mencius* 2a6). Here humaneness, rightness, propriety, and wisdom, for Confucianism, are not only the four essential and necessary properties of human beings but are also the four cardinal human virtues or goods, and for Confucianism it is the primary function of the government to promote the development of these virtues among individuals.[14]

Here, Confucianism clearly differs from liberalism. It is true that, while liberals deny the function of government in developing individuals' self-regarding activities, they do think the government has an important role to play in shaping people's other-regarding activities. However, for liberals, the way the government accomplishes this is to use penal laws to deter people from causing harm to each other. Confucianism disagrees. Confucius famously said, "if you guide people with coercive measures and keep them in line with punishment, then they will stay out of trouble but will have no sense of shame. If you guide people with virtue and keep them in line with ritual propriety, then they will have a sense of shame and rectify themselves" (*Analects* 2.3). I think Thomas Hurka provides a very adequate footnote to this *Analects* passage when he argues against using coercive measures to favor valuable over disvaluable ways of life, although his attention is directed to the self-regarding aspect. Hurka mentions a number of problems with using coercive laws to enforce morality. First, such coercive laws can only restrict outward behavior, which is only loosely related to inner states. So a person may not exhibit outward behavior causing harm to others due to the fear of punishment, but this does not mean that he or she does not have an inner state of causing harm to others;

14. Clearly Mencius's view here is closely related to his view of human nature as good. It is sometimes claimed that, while Mencius's view is indeed influential, particularly in neo-Confucianism, he only represents one school of Confucianism. Not only his arch-rival, Xunzi, holds an opposite view of human nature; Confucius himself is ambiguous about his view of human nature. However, as I have argued in another place, almost all Confucians, at least Confucius, Mencius, and Xunzi, agree that the difference between humans and animals lies in their moral qualities (see Huang 2013a: 50-53).

second, the best acts are those performed as part of an organizational plan for one's entire life, while acts done because of coercive laws have the single purpose of avoiding punishment; third, coercive laws make people's law-conforming actions less valuable, as such actions, for their agents, no longer have intrinsic value but only the instrumental values of escaping punishment.

It is here that we can see a clear difference between liberalism and Confucian perfectionism. For liberals, the function of government is simply to make rules for the games played in the public square and make sure, through punishment, that people play according to these rules. It is not its job to ensure that people be moral.[15] There is no difference between good people and bad people, as long as they follow these rules. This can also explain why liberals, in considering individuals' other-regarding actions, are interested only in making sure that people not do things causing harm to others, not to make sure that people do things to benefit others. Indeed this is part of the reason they insist on the famous divide between the political and the personal: the political is not personal. Government is not concerned with what kinds of people, good or bad, virtuous or vicious, altruistic or egoistic, are out there playing the games. While government does not help cultivate virtues among individuals, it does not induce vices from them either. Other than making people law-abiding, it simply leaves them as they are. What Confucius shows in the above passage, however, is that the political is personal: the rules that aim to deter people from causing harm to others will determine not only what kind of a society there is but also, to a great extent, what kind of people live in the society.[16] A government that regulates individuals' other-regarding action primarily or even exclusively through punitive laws will not only be unable to make people virtuous but will also tend to make them vicious. So from

15. For example, Brian Barry states clearly that "the state is an instrument for satisfying the wants that men happen to have rather than a means of making good men (e.g. cultivating desirable wants or dispositions in its citizens)" (Barry 1990: 66).

16. Feminism is instrumental in debunking this liberal divide between the political and personal. However, as I've pointed out in a different essay, feminism has only revealed and solved part of the problem by claiming that the personal is political, without realizing that the political is also personal, which is precisely the unique insight of Confucianism (see Huang 2013a).

the Confucian point of view, the primary job of government is to help people in their moral cultivation.

The question is how. In the *Analects* passage quoted above, Confucius mentions two measures: virtue and ritual. What Confucius means by virtue is the morally exemplifying function of political leaders, which is a central focus in the *Analects*. Confucius deeply believes that virtue is contagious, and thus in his advice to political rulers, repeatedly emphasizes the importance of the rulers themselves being virtuous. For example, he says that "if the ruler makes oneself correct, what difficulty will the ruler have in governing people? If the ruler cannot make oneself correct, how can the ruler make others correct?" (*Analects* 13.13). In this passage, the term for "govern" is *zheng* 政, which is a cognate of the word for "correct," *zheng* 正. Thus, in another passage, when asked about government, Confucius says that "to govern (*zheng* 政) is to be correct (*zheng* 正). If you [a ruler] are correct, who dare be not correct" (*Analects* 12.17); when a minister was worried about burglary, Confucius advised him: "If you yourself were not one with desire [to steal things from your people], no one would steal even if you reward them for stealing" (*Analects* 12.18); when this minister further asked whether it would be permissible to kill people who do not follow *Dao*, Confucius replied: "why do you need to kill in governing? If you want to be good, then your people will be good" (*Analects* 12.19). For Confucius, if a ruler "is correct, then no commands are issued and yet people all follow, while if the ruler is not correct, then even if commands are issued, people will not obey" (*Analects* 13.6); "a ruler who governs by being virtuous himself can be compared to the Polar Star which commands homage of the multitude without leaving its place" (*Analects* 2.1).[17]

The second measure, ritual, can be better understood in its

17. In case one may think that such a view of Confucius is naïve and unrealistic, it is important to mention that the main point Confucius tries to make in these passages has been recently confirmed by empirical studies. For example, neurophysiologists Rizzolati and Sinigalia argue that human emotions and behaviors are powerfully contagious (Rizzolati and Sinigalia 2008; see also Adolphs and others 2000 and Keysers and others 2010). Douglas Robinson applies such neuroscientific discoveries to his comparative study of Aristotle's and Mencius's rhetoric, broadly understood as involving ways of persuasions, including non-linguistic ones (see Robinson forthcoming).

connection with two other concepts, moral sentiment and spontaneity, as explained by Confucius in the following passage: "[moral virtues] arise from the *Poetry*, are established by the *Rites*, and become accomplished by the *Music*" (*Analects* 8.8). Here, Confucius refers to three Confucian classics. He thinks that the poems included in the *Book of Poetry* are the most effective. Thus, he asks his students to study these poems, which "can serve to stimulate one's imagination, sharpen one's sensitivity, increase one's sense of solidarity, and improve one's way to handle complaints [about immoral things]. Near, one can learn how to serve one's parents; far, one can learn how to serve one's lord" (*Analects* 17.9). This is because for Confucius, "the three hundred poems in the book can be summarized in one sentence: do not think of diverting from the right path" (*Analects* 2.2). Confucius's interest in the function of the moral dimension of the poetry is also clear in his disapproval of other ways of reading them: "If one reads these three hundred poems and yet fails [to put them into practice] when assuming a governmental position and is unable to handle things on a mission to a foreign state, then it is useless, however many times you have read them" (*Analects* 13.5). The general point that we can get from what Confucius says about poetry is that what non-virtuous persons lack is not an intellectual understanding of virtue but the sentiment or desire to be virtuous. So, in a contemporary setting, what governments can do to make people virtuous is not to sponsor public lectures by moral philosophers to show people that it is irrational or animal-like to be non-virtuous; rather they should find ways to stimulate their moral sentiment. While for Confucius, poetry is important in moral education precisely because of this function, in contemporary societies, other measures can perform the similar function. For example, Richard Rorty emphasizes the importance of journalists: "the fate of women of Bosnia depends on whether television journalists manage to do for them what Harriet Beecher Stowe did for black slaves—whether these journalists can make us, the audience back in the safe countries, feel that these women are more like us, more like real human beings, than we had realized" (Rorty 1998: 180). For the same purpose, the government can also sponsor, promote, and subsidize novels and films that can morally move their audience and suppress those that tend to

encourage violence; the government can also do things to promote moral heroes in real life.[18]

However, one's moral sentiments stimulated by poetry (and news reports, novels, and movies) are often momentary and unstable. For example, our moral sentiments may be aroused while watching a movie, reading a newspaper report, or seeing a natural disaster on TV. However, after leaving the movie theater, putting down the newspaper, or turning off the television, such moral sentiments may quickly go away. In order to stabilize the moral sentiments aroused by poetry, Confucius stresses the importance of the *Book of Rites*, which contains a set of rules of propriety. He asks his students "not to look at, listen to, speak, or do things against rules of propriety" (*Analects* 12.1). Rules of propriety are not like punitive laws. As Hu Shi, a renowned twentieth-century Chinese scholar, points out, "first, rules of propriety are more positive recommendations, while laws are more negative prohibitions; rules of propriety tell people what should be done and what should not be done, while laws tell people what may not be done and you will be punished if you do them. Second, those who violate laws will be punished by punitive laws, while those who violate rules of propriety will only be ridiculed by 'superior persons' and society but will not be punished by punitive laws" (Hu 1991: 96). Still, in performing moral conduct stabilized by rules of propriety, one may feel some uneasiness and often need to exert effort to overcome one's desire to look at, listen to, speak, or do things against rules of propriety. Thus Confucius thinks

18. Of course, it also requires tax revenues for governments to do such things. However, unlike taxing people and using the money to promote certain types of self-regarding activities as contemporary perfectionists propose, to tax people and spend the money in this way is unproblematic, as unproblematic as taxing people to maintain a police force. The crucial difference is that the types of self-regarding activities that contemporary perfectionists think government should promote are not ones that everyone in the society would willingly pursue without such state promotions, and the type of self-regarding activities that they think government should demote are not ones that everyone in the society considers unworthy; in contrast, the other-regarding activities that Confucian perfectionists think government should promote or suppress are ones that affect everyone, either positively or negatively: everyone benefits from other people's benevolent behavior, and everyone is harmed by other people's malevolent behavior. This constitutes a good reason for the state to promote the former and suppress the latter, even if it must tax the people to do so.

that moral education must be accomplished in music.

The *Book of Music* is now lost, but there is a chapter on music in the existing version of the *Book of Rites*, from which we learn in what sense morality is accomplished in music. The Chinese word for music, *yue* 樂, when pronounced differently, also means joy or delight or happiness, *le* 樂. Thus the *Book of Rites* says that "music (*yue* 樂) is joy (*le* 樂)" (*Liji* 19.41; see also 19.27), as when you listen to a piece of good music, you cannot help but "to wave with your hands and dance with your feet" to the beat (*Liji* 19.45). Music is thus often contrasted with rites, as the latter is directed to one's outer behavior, while the former aims at one's inner feelings: "when music (*yue* 樂) is used to cultivate one's heart/mind, the feelings of friendliness, uprightness, kindness, and sincerity will naturally arise; when such feelings arise, one will feel joy (*le* 樂); when one feels joy, one will be calm; when one is calm, one will be long-lasting [with one's virtuous inclination]; when one is long lasting, one will be in harmony with heaven; and when one is in harmony, one will be spiritual (*shen* 神). Heaven is trustworthy without speaking, and spirit is awesome without being angry. This is the achievement of cultivating one's heart/mind with music" (*Liji* 19.39). In short, the function of music in moral education is that when one acts morally, one will not feel constrained by the external rules of propriety; instead, one acts spontaneously, effortlessly, and joyfully. This is indeed the realm that Confucius describes himself to be in after he turns to 70: "act from one's heart/mind's desire without overstepping moral principles" (*Analects* 12.4). To use Mencius's terms, at this stage one no longer practices humanity and rightness (*xing ren yi* 行仁義) but practices *from* humanity and rightness (*you ren yi xing* 由仁義行) (*Mencius* 4b19). In the former, humanity and rightness are still seen as something external that one practices; in the latter, however, they are clearly recognized as something internal to oneself. When they are realized as internal to oneself, Confucius claims that one can "love virtue as one loves [beautiful] colors" (*Analects* 9.18 and 15.13). This is a great analogy. One does not need to be told to make a calculated deliberation, or to make any forced effort, to love beautiful colors. As soon as one sees beautiful colors, one will love them. As a matter of fact, one cannot recognize any colors as beautiful unless one loves them

and cannot love any colors as beautiful unless one recognizes them as beautiful.

Of course, while Confucianism is idealistic, it is not utopian. It realizes that it will take time before punitive laws can be entirely abandoned. However, for Confucians, first, with government's strong efforts at moral education, the number of people for whom such punitive laws are necessary must be rather small. Second, even for this small number of people, with their deterring power, such laws may simply be made but never used (*Kongzi Jiayu* 1; 1). Third, even when such penal laws must be used, there are two important things that a political leader must keep in mind. On the one hand, having caught a criminal, political leaders "should not congratulate themselves but should instead have a feeling of sadness and compassion (*ai jin wu xi* 哀矜勿喜)" (*Analects* 19.19). They ought to realize that, rather than being successful in catching a criminal, they have failed to educate that person to render punishment unnecessary but instead must appeal to it as a last resort.[19] On the other hand, the punishment should primarily not be retributive, returning to the criminal the harm the criminal inflicted upon others, but restorative, transforming the criminal into a virtuous person. Confucius thus makes this following contrast between ancient society and his own, with the former being preferred over the latter: "ancient law enforcement aimed to minimize the law-breaking cases, which is the root, while present law enforcement aims to not let any law-breakers free, which is branch"; and "present judges seek the way to punish people, while judges in the ancient time sought the way to let people live" (*Kongzi Jiyi*: 408). Thus, fourth, application of the penal law, when it is absolutely necessary, should be followed by further moral education. In all these respects related to law, I'm in basic agreement with Angle (see Angle 2009: 216-221).

19. This is similar to what Laozi says about war. Laozi is generally anti-war. However, when a good ruler finds war unavoidable and fights a victorious war, he does not regard it as praiseworthy but observes the occasion with funeral ceremonies, not only for the people who died for him but also for people from the opposing side who died (*Laozi* 31).

6. Conclusion

In this essay, I have shown that the liberal idea of state neutrality is limited to individuals' self-regarding activities and does not apply to their other-regarding ones. No liberals have ever claimed that government should be neutral with respect to an individual's harming another and the victim's being harmed. In its argument against liberals, contemporary perfectionists have rejected the liberal idea of neutrality and claimed that the state can legitimately favor certain types of self-regarding activities over others. While such a state perfectionism is attractive, particularly to Confucian scholars like Steve Angle and myself, I claim that it is as problematic as the liberal conception of state neutrality to which it intends to be an alternative. Having pointed out this defect of state perfectionism, I regret that it is beyond my current intellectual ingenuity to significantly improve this version of state perfectionism so that it can become a viable alternative to liberal neutrality. However, I perceive that contemporary perfectionism has missed an important defect of political liberalism and thus an opportunity to expand its scope. This is related to the liberal view about state actions toward individuals' other-regarding activities. Unlike individuals' self-regarding activities, liberals do think that government should take actions regarding individuals' other-regarding activities. The defect in this liberal view lies in two areas: (1) while it does think the government ought to suppress individuals' harmful actions toward others, it does not think that it is the government's job to promote individuals' benevolent actions toward others; and (2) the way the government is supposed to suppress individuals' harmful actions toward others is to develop strict penal laws to punish those who indeed cause harm to others. While contemporary state perfectionism neglects this front, I claim that what makes Confucian perfectionism unique and important is that it provides a viable alternative to contemporary political liberalism precisely in these two areas related to individuals' other-regarding activities. Confucianism is more interested in promoting individuals' benevolent actions toward others than deterring their malevolent ones. The reason is obvious: when more people become more virtuous, few people will do harmful things

to others. Of course, there will inevitably be some people, however few, who may want to harm others. For such people, unlike political liberals who appeal merely to punitive laws, Confucianism thinks that the state should provide moral education so that punitive laws may be rendered unnecessary; and when they indeed become necessary, they should be carried out not triumphantly but with a feeling of sadness and compassion, and be immediately followed by further moral education until the moral condition of such individuals is fully restored.

When I say that contemporary perfectionists neglect the other-regarding dimension of human perfections, I do not mean that they explicitly exclude this dimension, or as explicitly as political liberals exclude the self-regarding dimension of human perfection from the purview of the state actions. The most that contemporary perfectionists say along the line that I claim they follow is that their perfectionism also includes the self-regarding human perfections and, as in the case of Hurka, even that the inclusion of the self-regarding features is what makes the state perfectionism attractive. What I mean then is that they *practically* neglect the other-regarding human perfections, because they spend their time almost exclusively arguing against the liberal idea of state neutrality with respect to self-regarding perfections. The standard list of human perfections they think the state should promote normally includes such things as knowledge, music, art, sports, etc., and the standard list they think the state ought to discourage normally includes using drugs, living idle lives, gambling, etc., both of which are primarily self-regarding. It is true that sometimes virtues also appear in the list of things the state ought to promote and vices also appear in the list the state ought to demote, but they never emphasize the other-regarding aspects of such virtues and vices. Indeed hardly any contemporary perfectionists claim that the state should promote altruistic moral heroes or demote cruel activities toward others. The reason that contemporary perfectionists pay their attention almost exclusively to the self-regarding dimension is certainly not that they think the state should have no business with regard to people's other-regarding activities but perhaps that they think contemporary political liberals, whom they are arguing against, just as they themselves, also think that the state should play its role in

relation to such other-regarding activities; in other words, it is perhaps because they perceive their disagreement with political liberals only about what the state can do about people's self-regarding perfections and not about what the state can do with people's other regarding actions. If so, it then means that they have not realized the problematic nature of the liberal view about the latter. It is in this sense that I claim that Confucian perfectionism, not only in comparison with political liberals but also in comparison with contemporary perfectionism, is unique and significant. If all that I have been saying is correct, then I do not hold the same view about the relationship between Confucianism and contemporary state perfectionism as Steve Angle, who claims that Confucianism "exemplifies moderate perfectionism" (Angle 2009: 206).

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