Institutional Structures and Idealism of Character

David B. Wong

Department of Philosophy

Duke University

d.wong@duke.edu

I find Joseph Chan's book to be bold and illuminating, and, as always with his work, lucid in an exemplary fashion. I find much more to agree than to differ with, but in the spirit of a conception of *he* 和 or harmony that places importance on the need for difference as well as agreement, I will point out some complications or reservations that can be raised about Chan's proposals and put forward some more friendly amendments and suggested amplifications of some of his lines of thought. The focus in my commentary is Joseph Chan's discussion of one of the central problems for his version of the Confucian political ideal—"the ruler is committed to governing the people in a trustworthy and caring manner, and the ruled, in return, express their willing endorsement and support of the ruler" (Chan 2013, p. 65).[1] The problem is that actual rulers are often not good enough to deserve the trust of their people. Confucian texts did not give much guidance as to how good people could be selected for political office. Contemporary Confucians therefore need to develop "a perspective on social and political order that effectively deals with the problems of reality while maintaining its ideal political relationship as a regulative ideal" (p. 65).

[1] Chan, Joseph, *Confucian Perfectionism: A Political Philosophy for Modern Times* (Princeton, NJ: Princeton University Press, Kindle Edition, 2013).

Chan notes that the Confucian masters conceived of the *rites* (as in *ritual*) as a bridge between our flawed human reality and the ideal. Rites control potentially wayward behavior by providing concrete guidelines backed by social sanctions such as commendation or condemnation; they also shape dispositions and motivations to better approximate the ideal by habituating them "within a particular world of meanings and values" (p. 66). However, Chan observes that rites are unlikely to serve these functions when leaders lack virtue to the extent that they are immune to shame, when society lacks trust in such leaders, and when the world of shared meanings and values has disintegrated.

As an alternative, Chan proposes institutions. Institutions have a "business side" ensuring that they cannot simply be waved off as whimsical idealism. At the same time, they have a normative side that expresses and take steps toward realizing a regulative ideal. Chan here departs from MacIntyre's strict separation of institutions from practices (MacIntyre 2007). Practices embody ideals and standards of excellence that specify the internal goods to be pursued; institutions provide external goods such as money, power and status. Only a causal relationship exists between the two on MacIntyre's view.

By contrast, Chan asserts that institutions, "at least the good ones" (p. 68), embody or reflect the internal values and excellences of the practices they support. For example, institutional rules of a university must reflect the norm of free inquiry in the pursuit of knowledge. They are like rites in possessing a normative dimension, but unlike rites, they provide rules and regulations that are supported by compliance mechanisms that have some teeth. The legitimacy of these institutions depends not only on their adequately supporting the relevant practices, but also on the practices living up to the

values and norms embodied in their rules. Chan is right to point out that, like rites, good institutions have the potential to socialize their participants in the values and norms they embody.

Let me offer my first friendly amendment to Chan's view of institutions, as so far recounted. It is not just that institutions have *a ritual-like* aspect in that they socialize us into certain values and norms. It is that institutions and the practices they support *have their rites or rituals* and this can be a very important way of socializing their members into their values and norms. The entry of students into a university is marked by ceremonial occasions, as is their graduation into the next phrase of their lives. Good teachers often structure their class meeting with rituals that orient their students' attention and set the proper frame of mind. Academic conferences such as this one centering on Chan's book have their bit of pomp and circumstance. Sometimes these rituals are ways of distributing the good of public honor and status. When done correctly and with the appropriate spirit, they turn our attention to what is supposed to be important: the growth of our students and conduct of free inquiry that depends on our testing each other and our arguments and evidence, ultimately not for personal victory or prestige but for the sake of the goods of excellence.

Chan ultimately is making a point about what a good institution is: that it distributes external goods in a way that supports the normative aspirations embodied in the corresponding practice. The institution of the university provides the material goods that enable practitioners to continue pursuing and imparting knowledge and methods of inquiry. External goods are often used as incentives or acknowledgment from an institution for the achievement of excellence. Institutions therefore attempt to align

powerful motivational forces so that the pursuit of the goods of excellence takes priority over the pursuit of external goods.

Institutions do not always succeed in this goal. An institution can accumulate and distribute external goods for purposes that are unrelated to the pursuit of excellence in the practice; practitioners can form priorities that favor external goods over the goods of excellence. Practitioners can love the external goods more than the internal goods of excellence. For academics, it is typically public honor that is the most seductive, and in some academic sectors, money has exerted undue influence. In the U.S., private corporations are providing an increasing proportion of the funding for scientific research and therefore have greater power to shape and constrain that research (Bekelman 3003; Washburn 2005). Universities and their professors commonly seek to patent and license their research to private industry in exchange for profits. The pursuit of the next windfall has universities feverishly pumping money toward certain sectors of scientific research often at the expense of basic scientific research and almost always at the expense of the humanistic disciplines, which are charged with questioning the ultimate ends that are served by research.

Chan defines democracy procedurally as rule by the people, and the form of electoral institution most compatible with Confucianism is one that emphasizes the normative function of selecting public-spirited and trustworthy leaders, with the function of sanctioning or weeding out corrupt and incompetent leaders and giving politicians with mixed motives added incentives to do the right thing. Like other institutions, elections have their own rituals. At my polling place, I am used to having candidates for local office come up to me, shake my hand, exchange pleasantries and make a plea for

consideration. I appreciate this, especially if the candidate coming up to is one I already know I will *not* vote for. This is a chance to encounter a candidate as a human being with whom one can make connection despite our political differences. I especially appreciate such an opportunity to affirm shared loyalties and concerns given the acrimony that comes with competition in a deeply divided society.

This raises the question of whether democratic institutions as they exist are up to the job of bridging the actual and the ideal. In the U.S., the bridge looks broken, and Chan cites an array of evidence for this pessimistic outlook. I can only add a particularly sobering piece of evidence. Martin Gilens has studied the policy preferences of Americans of different income levels and compares these preferences with the actual decisions of the President and the Congress (Gilens: 2013, 1). In cases where their preferences diverge from those in the top ten percent income level, the affluent prevail in getting their preferences enacted. Unsurprisingly, the latter are disproportionately active in the political process and in making campaign donations.

The supply of respected politicians, which has never been a surplus in the first place, has dwindled through resignation, the oft-cited reason being the constant need to raise money and the hard fact that the day after a politician wins an election it is time to start campaigning for re-election. As Gutmann and Thompson point out, the mindset that is best for campaigning, the desire to articulate positions that contrast clearly with one's opponents and to stand steadfastly for those positions, is in conflict with the compromising mindset of give and take with one's opponents that is necessary for governing (Gutmann and Thompson 2012). And if one manages to overcome the

campaign mindset to negotiate a compromise with one's opponents, one has made oneself vulnerable to those of more uncompromising mindsets in one's own party.

The outcome of this dilemma is that those who take the task of governing seriously will be reducing their chances at remaining in the job. Those who take their most important task to be to remain faithful to the most ideologically fervent among their supporters will increase in numbers and contribute to an increasingly polarized situation. Robert Talisse points out one consequence of adopting increasingly extreme views: in order to preserve these views, one is motivated to dismiss the other side as full of "dupes, fools, or even willful conspirators against the truth" and therefore one "grows increasingly unable and uninterested in engaging with the outsiders and increasingly incapable of seeing them as fellow epistemic agents" (2009, 58).

The electorate mirrors the polarized situation between political parties.[2] Partisan animosity has also increased substantially, more than doubling since 1994. Substantial proportions of voters with party allegiances think the other party is a threat to the nation's wellbeing.[3] Americans prefer to live with those of the same political persuasion (Cho et al 2013). Thus the most ideologically uniform of Americans are more likely to reinforce each others' beliefs by clustering together in the same communities. In fact, like-minded people tend to move to a more extreme version of what they thought before they started to talk with each other (Sunstein: 2009, p. 4). The statistics leave most Americans in a

[2] Ideological overlap between the Republican and Democratic parties has diminished. 92% of Republicans are to the right of the median Democrat and 94% of Democrats are to the left of the median Republican (Pew Research Center 2014)

[3] According to the PEW report, 27% of the Democrats and 36% of the Republicans in 2014

middle zone that is not uniformly ideological, but the problem is that the middle is the least politically active.

The immediate answer to these problems seems to be institutional reform. The disproportionate influence of the affluent on policy-making, the permanent political campaign, the polarization among political office-holders find apparent remedy in reforms such as publicly financed political campaigns (although given recent Supreme Court decisions that now seems to require a constitutional amendment). This is the kind of diagnosis of what has gone wrong with democratic institutions that leads Chan to conclude, "in the ultimate analysis it is people, not institutions, that count. . . it is people's virtues and character traits and the cultural environment in which these things are nourished that are essential to good social and political order" (p. 95). The logic seems to be that if institutions, that were supposed to fill the gap between the actual and ideal, are themselves too far from *their* ideal, it is ultimately up to people to compel change by demanding it in sufficient numbers. But this has not happened yet. What if citizens must change to demand change?

Let me now turn to Chan's two main suggestions, which are Confucian in inspiration: a "bottom up" strategy of morally educating the citizenry in virtues such as respect, reverence, trustworthiness, sincerity, beneficence, civility, and a commitment to the common good (pp. 96, 100); and a second chamber of the legislature with members chosen on the basis of demonstrated merit as chosen by those who have had the opportunity to observe them in action. The first suggestion is an attempt to change people through changing their ethical and cultural habitat (p. 95); the second, it seems to me, is a restructuring of a key institution so that it more effectively foster and identify

officials with virtue and competence. As Chan points out, leaders of the right sort can themselves be a source of moral education in the capacity of role models (p 101), and in the conclusion of his book, he identifies moral education as the most important of the second chamber's functions (p. 196). Thus it seems as if the bedrock of Chan's vision is the hearts and minds of the people, and the educational and cultural means to orient them towards the good.

At one point Chan remarks that his analysis seems to have come full circle. He began by arguing for a Confucian ideal of the political relationship between ruler and ruled as one of care and mutual trust. The great distance to that ideal from present reality prompted Chan to propose democratic institutions as a possible bridge to the ideal, but analysis of their present functioning shows that institutions "also depend on the kind of ethical resources that, in bad times, can appear to be as idealistic and demanding as any other social and political ideal" (p. 95). The disquieting thought that arises from Chan's clear-headed admission of a circle is whether we have made any progress in thinking about how to get closer to the ideal or whether we have ended up in the same place of disappointment and uncertainty where we started.

To explain why there is more reason for optimism, let me begin with a closer look at Chan's proposal for moral education of citizens. Chan is right to reject the liberal conception of civic education that is restricted to instilling relevant knowledge and critical thinking capacities. The problems with American democracy previously described are not simply problems of lack of knowledge or critical thinking capacity. Part of our problem is the antagonism and distrust we feel toward those we most disagree

with. This erodes any sense that we share a common good with them. It means that we shall most likely use any increased knowledge and critical abilities in a partisan way.

This problem points to the necessity of reorienting both the heart and the mind of citizens toward each other (it is appropriate that the Chinese term for the mind that feels and thinks is *xin* 心 or the heart). To get them to see each other as “us” rather than “them.” When we think of effective means of reorienting both the heart and the mind, the Confucian strategy of ritual reappears. The Confucians knew that joining together in ritual, especially those that emphasize what we have in common, are ways that we re-orient our hearts toward each other. Chan mentions the *Analects* passage (3.7) in which the rituals that mark the beginning and end of the competition consist of the competitors bowing to and making way for each other. Rituals are a way of deliberately directing our attention to certain features of an affect-laden situation. That is why rituals that are meant to convey respect and care for the others can also strengthen and cultivate those attitudes, because they are enactments of those attitudes.

But haven’t we ended up in Chan’s circle again? Chan moved away from the traditional Confucian reliance on rituals given that the context of application is a society in which leaders lack virtue, a general lack of trust and the dissolution of the world of shared meanings and value. But if that bleak description fully fits our situation, it is difficult to see how we could hope to get an effective program of moral education off the ground, whether we resort to ritual or some other means of education that is addressed to re-orienting hearts and minds. Furthermore, education as a practice is embodied in *institutions* such as schools, school systems, and universities. Problems with these institutions, as discussed earlier with respect to universities, mirror the problems reflected

by our political institutions, where those engaged in educational practices get caught up in the pursuit of external goods such as money and prestige.

But now let me suggest that the situation is more complicated than is sometimes suggested by Chan's framing, and complicated in a way that gives hope for his proposals. First, we do retain some shared meanings and value even while we contend with deep differences. We find both difference and commonality. An example is found in comparing moralities that are centered on the good of relationship and community and moralities centered on autonomy and rights (see Wong, 2006, 1984). The significant difference between these types of morality does not mean that one type needs to exclude the values associated with the other type.

The difference is typically a difference in the priority assigned to one or the other set of values in case of conflict. Many Americans hold a morality centered on autonomy and rights, but they value relationships as well. Those who place central moral value on relationships and community can also have concern for the individual when her interests conflict with those of others in her group or the common group interest, even if the language and conceptual structure of individual rights is not deployed. Furthermore, some relationship-centered moralities, such as Confucianism, value highly certain forms of moral autonomy such as independence of moral judgment and the importance of standing behind one's judgments despite social and political pressure to do otherwise.

This contrast between moralities of relationship and autonomy most often appears as a cultural contrast between moral traditions associated with the West, particularly Western Europe and North America on the one hand, and East and South Asia and Africa, which includes but of course is not limited to those societies influenced by

Confucian moral traditions such as China, Japan, Korea, Singapore and Taiwan. However, some philosophers, such as Chenyang Li (1994), have noticed a resonance between the relationally-oriented Confucian and relationally-oriented ethics that have been associated with women (in the U.S.) by theorists such as Carol Gilligan (1993). Markus and Conner's book in cultural psychology, *Clash*, features a similar comparison. In fact, they identify a pervasive variation in the extent to which people conceive of themselves as independent or interdependent, and in how much they value independence versus interdependence. This variation is to be seen not only between the West and Asia but also between men and women, between different socioeconomic classes, races and ethnicities, and regions of a single country such as the West and South of the United States. Markus and Conner's book points toward the conclusion that even in cultures and groups that emphasize independence, there typically is some basis for recognizing and valuing interdependence and looking for a common good one shares with others, some recognition that independence as a trait is nurtured within the right sort of relationships.

Of course, differences in priority can still be deep and serious differences. But the very fact that we can expect to have serious disagreements with others makes what I have called the value of "accommodation" a necessary second-order value for a viable society. Because of the ubiquity of disagreement over how to interpret or prioritize values that might even be shared among people, it is necessary at least sometimes to accommodate others, where accommodation is defined as a willingness to maintain constructive relationship with others with whom one is in serious and even intractable disagreement. Social cooperation would come under impossible pressure if it always depended on strict agreement (see chapters two and nine of Wong 2006 for a discussion of accommodation).

The political equivalent of accommodation is the compromising mindset that Gutmann and Thompson have so accurately identified as necessary for governing. The fact that some features of current American political institutions make it difficult for political leaders to sustain this mindset does not prevent us from recognizing its necessity for governing.

Thus there remains hope that we share enough meaning and value that could serve as the basis for moral education in the virtues that both leaders and citizens should possess. This way of thinking is in the end very much in accord with Chan's moderate perfectionism. Unless we share some value and meaning we cannot both accept pluralism of value and find partial and piecemeal agreement on specific values and principles despite disagreeing on our underlying comprehensive doctrines. It is not as simple as our *being in* a world of shared meaning and value or our *not being in* such a world. Rather we are in a world of overlapping meaning and value.

Let me turn this point about our living in a world of overlapping meaning and value into a brief suggestion about the content of moral education for citizens of a democracy. Chan says he will leave most of that content up to the experts on moral education. One of the works in moral education he cites (p. 99, n. 50) is Eammon Callan's book *Creating Citizens* (1997). Callan emphasizes the necessity of teaching something like the Rawlsian "burdens of judgment," e.g. that moral judgment is a difficult and demanding task because it often involves considering multiple possible value priorities and the effect of different life experiences on judgment. The intent of such teaching is to prepare citizens for empathetically imagining themselves into the perspectives of others who are different. At the same time, argues Callan, moral

education must help preserve the "moral distress" one feels when one's values are violated. Clearly there is a delicate and difficult balance to be achieved here, but one that Callan believes to be possible.

Such teaching fits well with the understanding of a world of overlapping meaning and value. Many of our most important moral differences stem from the different ways we deal with conflicts between shared values such as relationship and autonomy. To understand the difficulty of resolving these conflicts is to at least get a start at empathetically imagining how others might come to different conclusions as to how to resolve them. One might understand them as different but sharing in a common humanity and good faith in trying the best one can to see what should be done.

The second way in which our situation may be more complicated is the way in which our motives, our thinking and feeling dispositions, are entangled not only with our ethical and cultural environment, as Chan acknowledges, but also with our institutions and the rituals that express their normative aspirations. Who we are in terms of what we think and feel is bound up with our customary ways of acting with others, with our institutional roles and our ceremonial ways of enacting what we aspire to. In the university, one's institutional role as teacher may enter into the meaning of one's life so profoundly that it cannot be prised apart from who one is. Thus a friendly amendment I offer to Chan is to suggest that we *not* say it is people, not institutions that count, because institutions can enter so deeply into who a person is.

People's hearts and minds do shape institutions and rituals as well as being shaped by them, and where some institutions and rituals have become corrupted or ineffective to support pursuit of the goods of excellence, it may be possible to correct

these institutions and rituals through moral education of hearts and minds. But it is difficult to see how that very attempt itself can be free of reliance on institutions and rituals. Perhaps they are institutions and rituals other than the ones that need rehabilitation. But institutions of some kind are the critical locus for setting our priorities aright, so that the external goods we need to live do not become the ones we live for. It is not that our individual motivations are the foundation and that our institutions and rituals are set on top. The relationship is more web-like, mutually influencing and mutually supporting. Indeed that is one of the main reasons why it is so difficult to figure out how to reform our selves, because our selves, our rituals, and our institutions are so bound up with and implicated in one another.

A holistic, relational view of how people in interaction with their institutions and rituals is in accord with Mencius' model of moral self-cultivation in which natural dispositions to feel compassion for the suffering of others and shame and dislike for what is not right can only be fully realized in an environment where our basic needs are tended to so that we may concentrate on growing excellence (1A7). It is in accord with Xunzi's model of how we might moderate the desire for gain and sensual and material goods so that we express, strengthen, and channel rightly the natural love of our own kind (chapter 19 on ritual) that we share with other animals and find the nobility of harmonizing both our own internal psychic economies and our relationships with others that is unique to the human. Crucial to Xunzi's view is that when we order our social relationships (Wong, 2015) through our social distinctions and roles—in effect our institutions—and when we perform many of our duties in those roles in ritualized manner, we both sustain our lives and fulfill our normative aspirations. Xunzi, I believe, was the early Confucian who most

of all saw the importance of institutions for the project of shaping our selves toward excellence.

Now the web-like mutual conception of who we are and our institutions and rituals is more accurate to our reality, I believe, but it may nevertheless be ground for despair if our institutions and rituals are uniformly dysfunctional and falling far short of their normative aspirations. Then institutions of moral education will be unable to help improve the situation. My third suggestion is that a more differentiated view of our institutions and rituals is often justified. *Some* of our institutions and rituals are viable enough so that they can help us re-orient hearts and minds *at least partially and in some respects if not in others*. We should try to identify *which* of our institutions and rituals are more viable than others in getting us some way towards the ideal, perhaps in some respects but not yet in others.

Let me sum up my proposed friendly amendments. First, institutions have their own rituals that can serve to socialize their participants in the norms and values they serve. Second, we occupy a world of overlapping meaning and value that might yet form the basis for our binding ourselves together with a conception of a common good that can be expressed through and reinforced by rituals and institutions. Third, in fostering a society held together by a common good we draw upon thinking and feeling dispositions supported by moral education and other parts of our ethical culture, and from institutions and rituals that shape us in the ways we aspire to be. We can go back and forth between these things because they are related in mutually supportive web-like fashion. And fourth, we must take a differentiated view of our possible resources. The fact that some

institutions look bad does not mean that all institutions are. We can pick the most promising places to start.

Let me relate these proposed friendly amendments to Chan's proposal of a second legislative chamber with members chosen on the basis of virtue and competence. This is in effect a proposal for a new kind of institution that might have powerful educative effects. This is a promising idea, even though there are good reasons to be pessimistic that the U.S. could ever adopt it. The institutional barriers of constitutional amendment, the fact that too many powerful people would have too much to lose—are daunting. That is too bad for the U.S., and I fear that its institutional inertia spells decline. But situation may not be daunting for societies that are in conditions of greater flexibility and possible fundamental change.

Societies have a potentially great resource in the idealism of the young, many of them socially minded and desiring to make a difference to the lives of others. Unless one is enormously rich, to look at the groveling and indignity that comes with funding and running a campaign for major office in the United States is likely to put a damper on these aspirations. On the other hand, the set of institutions that constitute the civil service offers a way to try to realize these ambitions, because a job, for example, with the Environmental Protection Agency, or the National Institutes of Health, or an agency for economic development or housing or transportation might require real expertise and competence, and concrete ways to do good rather than talent for telling the electorate what they want to hear or for demonizing the political opposition through oversimplification, scapegoating and distortion, and a needy ego that craves attention.

Institutions constituting the civil service could be run in ways that value the talents of their best young people and that nurture them, and give them room to be creative. More young people of talent and aspiration might choose such a career if they are given this kind of space and appreciation. They would constitute part of a promising pool from which members of that meritocratic legislative chamber chosen by their peers. If such leaders are chosen, I believe that Chan is right in thinking that could be part of the moral education of the citizenry. But this is a good example of how institutions and the moral education of thinking and feeling dispositions could operate together and mutually reinforce one another. If an attractive institution can be made a pipeline for the best kind of leadership, it would directly serve the goal of attracting more of the most able to that kind of leadership and through its examples of what leaders can be like raise the selection standards and improve the judgment of the electorate.

Furthermore, there are possibilities for creating institutions that directly cultivate the electorate and give it more of a political voice. The efforts of political scientist James Fishkin (2009) in the direction of deliberative polling are of special note. Deliberative polling begins with gathering the opinions of random representative samplings of citizens on various policy issues such as energy policy or which infrastructure projects to fund in one's locality. At the outset of the process, the attitudes of this sample on the issues are polled. They are then provided with carefully balanced and vetted briefing materials. Then members of the sample are brought together over a weekend in small focus groups with trained moderators. The moderators attempt to establish an atmosphere where participants listen to each other in a safe public space and no one is permitted to dominate the discussion. They are encouraged to ask questions arising from the small group

discussions to competing experts and politicians in larger plenary sessions. At the end of the weekend, participants take the same confidential questionnaire as on first contact and the resulting judgments in the final questionnaire are usually broadcast along with edited proceedings of the discussions throughout the weekend. The results of the ending poll are usually broadcast along with edited proceedings of the weekend discussions. Deliberative polling has the potential for impact on policy-making but it also was designed to have an educative function for those who take part.

One of the animating ideas of deliberative polling is to see what ordinary citizens from all walks of life would think if they thought their voice mattered and if they could experience good conditions for determining what they thought. One of the encouraging results is that it often changes people's minds. More than two-thirds of the attitude items in the deliberative polls resulted in statistically significant net change. The participants learned about competing perspectives and the views of people very different from themselves in face-to-face discussion. Another promising result was that there tended to be an increase in concern for the broader public good. The China deliberative poll, for example, resulted in budgeting for infrastructure projects that benefit the entire town, such as sewage treatment plants, environmental planning, and a people's park for recreation (Fishkin: 2009, pp. 109, 116).

These are possibilities for getting closer to an ideal for which Chan has made a splendid case. His book is represents the best of Confucianism in a contemporary context: a political philosophy with deep ethical roots, presented with no apologies for its high idealism, but very much concerned with presenting the most clear-headed and forceful thinking about how to get closer to the ideal.

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