Journal of Confucian Philosophy and Culture, Vol. 38 (August 2022): 175-190
DOI: 10.22916/jcpc.2022..38.175

Book Review: *Confucianism's Prospects: A Reassessment*

By Shaun O'Dwyer. New York: SUNY Press, 2019, 288 pages. US$95. Hardcover. ISBN: 9781438475493.

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Confucius is coming back. Not only have we seen the Chinese authorities' toying with Confucianism as a justification of their nationalist agenda, but political theorists are fiercely debating the proper role and influence of Confucianism in East Asia—both as a practice and a school of thought. Does East Asia today have a Confucian identity? What constructive role did Confucianism play in the modern history of East Asia that can inform current reconstruction of Confucian thought? What role, if any, can Confucianism play in normative theory today? These are particularly vexing questions for political theorists focusing on the East Asian context.

Through a dexterous handling of historical texts and contemporary scholarship, Shaun O'Dwyer quite convincingly gives negative answers to all of these questions in his recent book *Confucianism's Prospects: A Reassessment* (hereafter CP), thereby warning against a relentless zeal for Confucianism's revival. O'Dwyer argues that it is unlikely that Confucianism would regain "the institutional dominance and cultural legitimacy it enjoyed in the past," and that "acknowledgement of this fact can provide a more realistic basis for scholarly examination of the value" that Confucian thought can have for "today's more pluralistic societies" (CP, x).

This feature book review is divided into five sections. Section I gives an overview of O'Dwyer's key claims, which are united in his capabilities-based liberal theory for an increasingly pluralistic East Asia. I then raise doubts about three issues that are key parts of his analysis—

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cultural identity, regime and legitimacy, as well as public reason—in Sections II through V. Given the importance of the cultural identity issue as highlighted by O'Dwyer, I spend two sections on it before moving on to other topics.

I. Overview

O'Dwyer's book is rich in content, and what is offered in the following is by no means exhaustive but should be seen as a starting point for further discussion. O'Dwyer claims his focus to pivot around two issues—some Anglo-American scholars' recent effort to recommend Confucian thought as a source of global engagement even beyond East Asia, and a related yet separate trend of recommending Confucianism as an alternative to liberal individualism and liberal democracy (CP, xiv). Against these trends, O'Dwyer argues that a proper vision of liberal democracy is best suited for increasingly pluralistic East Asian societies.

The critical lens through which he assesses the role and value of Confucianism is ethical individualism, or the view that "the focus of ethical concern is the good of the individual." Ethical individualism can be understood in many ways, and here I distinguish between two senses in which a theory can be ethically individualistic. Methodologically speaking, ethical individualism can, as it always does, refer to an *approach* to moral and political thought that places the individual at the center of ethical and political thinking. It can also mean something more *substantive* leading to concrete ethical and political positions. O'Dwyer's account is ethically individualistic in both senses—as a method and a capabilities-based account of liberal theory associated with Amartya Sen and Martha Nussbaum. The gist of capabilities-based theory is the view that "moral and political values, principles, and conceptions of the good, as instantiated in practices and institution, are to be evaluated according to whether they enhance, or inhibit, the fundamental capacities 'for truly human flourishing' in individual human beings" (CP, xiii). Ethical individualism, then, is the central theme weaving together many elements of O'Dwyer's diagnosis of

Confucianism's value.

Chapter I sets the stage by offering a critical assessment of the recent scholarly effort to explore the cultural identity of East Asia. Against theoretical interpretation of East Asian culture as Confucian, O'Dwyer claims that with the demise of its institutional basis, Confucianism is long gone as an intellectual tradition of thought and a discursive discourse in elite and folklore culture. He sets out three criteria for values being Confucian, which are 1) that they are the subject of a minimal common specification; 2) that they are (or were) demonstrably instantiated as action-guiding values, and 3) that they are the subject of a noncontested attribution as Confucian. In light of these three criteria, Confucian-inspired scholars rarely meet them and therefore fall into what he calls the "cultural identity politics trap" (CP, 29).

Chapters II to V are each devoted to specific aspects of Confucian understandings that O'Dwyer finds controversial. Here, O'Dwyer also takes a remarkable historical turn and draws on historical cases to reveal the not-so-idyllic history of Confucianism in modern East Asia. In Chapter II, he starts out from the Confucian critique of the "unencumbered self" as embedded in the liberal individualistic ethos. Closely engaging with Norwegian playwright Henrik Ibsen's *A Doll's House*, O'Dwyer argues that Confucian communitarians' (i.e. Roger Ames, David Hall, Henry Rosemont) understanding of the self in terms of social roles and relationships leaves little room for individual autonomy and does little to redress patriarchal gender roles that still deeply structure East Asian societies. Chapter III discusses the Confucian understanding of ritual and the senses in which ritual can fail to embody the moral ideals it purports to act on and perpetuate unjust hierarchical deference. As an alternative to hierarchy-respecting deference ritual, O'Dwyer explains how rituals can be useful in a symmetrically deferential way. Chapter IV explores the complex story behind the idea of filial piety by discussing the revolts against patriarchal familial relationships in England and modern Japan. Chapter V takes a step further to discuss the sense in which ideas of filial piety and loyalty to the state are amenable to manipulation, and how this uncanny intertwinement led to justifying militarist ideology and aggression in modern Japan.

Chapters VI and VII come back to contemporary East Asia. In

Chapter VI, O'Dwyer takes on the theme of Confucianism and democracy with a crucial focus on the epistemic elitism and paternalism often associated with Confucian theories. By closely engaging with scholarship on liberalism, political authority, and democracy, O'Dwyer proposes a constrained accommodation of the elite chamber in liberal democracy for East Asia after examining the pragmatic, Deweyan understanding of Confucian democracy, which he finds not intelligibly Confucian, and the meritocratic or hybrid understanding of the Confucian polity, which has difficulty meeting the legitimacy test. With a liberal democracy at hand, Chapter VII proceeds to discuss the value and scope of public reason in the East Asian context. O'Dwyer believes that the public reason approach can best make sense of "the wider realm of public discourse in which diverse goods are affirmed and contested" (CP, 207).

As such, O'Dwyer's book is a timely and crucial contribution to the ongoing debate on political thinking in East Asia. Some distinctive merits of the book speak for themselves, which can already be seen in my sketch of O'Dwyer's arguments. First, it covers a wide range of topics crucial to East Asian political thinking. They not only include some ideas directly attributable to Confucianism including the relational understanding of the self, filial piety, ritual, and hierarchy but also such normative ideas as democracy and public reason, which are crucial to Confucianism's future. Second, O'Dwyer skillfully amasses a vast array of resources, both historical and contemporary, to inform his account. As a prominent feature of his approach, O'Dwyer enlisted the support of powerful historical accounts showcasing the controversial role played by Confucianism in modern East Asia. Last but not least, O'Dwyer's study is not confined to China, which has conventionally attracted the bulk of scholarly focus, but points us to different social and political contexts in which Confucian ideas unfolded and developed. His familiarity with Japanese Confucianism is not only valuable in its own right as an historical analysis but makes for a unique asset to contemporary discussion on the normative value of Confucianism.

II. Cultural Identity

The book is rich in many ways and can be read and criticized from different perspectives. In the following, I focus entirely on the normative (not historical) side of O'Dwyer's account and raise doubts about three of his claims with respect to cultural identity, political legitimacy, and public reason. The first two sections focus on his core claim that East Asian societies are not intelligibly Confucian, and I discuss empirical and normative issues that this claim gives rise to.

As we have already seen, O'Dwyer is skeptical that contemporary East Asian societies are Confucian in any meaningful way. There has been a trope about the Chinese's or East Asians' cultural identity, "cultural consciousness," and "habits and mores" since at least late Qing—long before contemporary political theorists' interest in this issue. O'Dwyer does not deny the possibility that some East Asian societies, once upon a time, had some sort of Confucianism as a core part of their cultural identity, but that age is long gone. For O'Dwyer, contemporary East Asia is characterized by value pluralism and deep disagreement as much as are North America, Europe, and Oceania today. He tells a cautionary tale about the story of East Asia as a hotbed of Confucian values, customs, and mores, which indeed often result from scholars' romanticized depiction of China or East Asia. In addition to the reasons he has amassed, I believe politicians' hypocritical toying with the "Asian values" debate also brought disgrace to the effort to identify a distinctive Asian identity. With O'Dwyer, I grant the enormous gravity of the issue, and agree that the simple equation between China/East Asia and Confucianism can be naively and dangerously reductive. The case cannot be settled, however, by heeding a rebellious story extracted from *The Dream of the Red Chamber* or a piece of evidence showing poverty rates among the elderly in South Korea. More substantial research is required for understanding the cultural dynamics of East Asian societies.

Before I turn to specific methods of identifying the cultural and intellectual flow of East Asians, it must be said beforehand that O'Dwyer raised a particularly vexing yet crucial question not least because the idea of "Asia," along with ways of partitioning it off, was an artifact of European orientalism. In order to understand what kind of values are

widely shared in East Asia, we need to first pin down the boundary of East Asia. Is it a territorial boundary coinciding with boundaries of national states? If not, what do we mean by East Asia? Second, given that what East Asia shares is as much about territoriality as about culture, what is the common core culture on the basis of which we can further find Confucian elements in it? Third, what are the Confucian values presupposed in this common core culture and in what sense are they Confucian? And finally, to what extent are these values constitutive of, and crucial to, the intelligibility of common culture such that, in identifying their presence, one can be confident about not being trapped in essentialist agendas? In other words, to what extent do Confucian values stay the same and remain important across time and space?

The difficulty involved in this endeavor should not deter us from exploring the cultural identity and particularity of East Asian societies any more than the divide in public opinion can stop one from studying intuitive ideas widely shared in Western liberal democracies. Particular cultural identity does not need to stand for something completely alien or imply that there is no overlap between East Asian and other societies but only signifies the importance of teasing out subtle differences characterizing different cultural contexts. This gives rise to the empirical issue that is crucial to the cultural identity claim. The problem with O'Dwyer's empirical diagnosis is that the evidence he amasses is not sufficient to establish the demanding claim that East Asian societies are pluralistic in the same way that North America and Oceania are. To establish the latter, we need substantial empirical evidence—either quantitative or qualitative—, philosophical and anthropological interpretations, or a combination of both to decide on the exact texture of the value dynamics in East Asia. In each of the categories, there can also be many specific methods involved.

An oft-cited work in the first category (qualitative and quantitative social science), among others, is Doh-chull Shin's *Confucianism and Democratization in East Asia*, which O'Dwyer also examined at some length. Shin (2012) analyzed survey data to support his view that East Asian societies overall share many distinctive Confucian social and political values—though ideas of individual rights and democracy have

also taken hold. Both those for and against associating East Asia with Confucianism have taken some cues from Shin's work given that he does not give decisive answers except for those supported by data that are statistically significant. But if we closely look at Shin's findings, it is undeniable that East Asian societies still share Confucian social and political values (filial piety, respect for elders, support for virtuous leadership and state paternalism, etc.) albeit not all to the same degree and in the same way.

One can also deploy historical, anthropological, and philosophical methods in studying the cultural identity of East Asia. One example is Li Zehou's "deep structure" thesis. Li (2012) distinguishes between surface and deep levels at which Confucianism unfolds itself in the Chinese's moral consciousness and argues that even if Confucianism no longer figures in public discourse or quotidian language, it still constitutes the backbone of value systems that the Chinese tacitly subscribe to. The deep structure expresses attitudes and modes of thought that persist and mold whatever has been received from the outside. It is in this sense that we can speak of Confucian liberals, Confucian Christians, Confucian Buddhists, and so on. Philosophical, anthropological, and historical research is at its strongest when combined with social sciences, which may then lead to various ways in which they are combined.

III. How Important Is Culture?

The sketch of the studies above shows that there is a real possibility that East Asian societies are different from others in such a way that some of their values merit special treatment. Special treatment here can take the form of rendering liberal theory sensitive to cultural backgrounds (thereby leading to "Confucian public reason," as we will see in Section IV), but it can have more profound implications. To the extent that cultural values shape philosophical ideas, and further that there is a sense in which these values can be meaningfully recognized as Confucian, Confucian values may constitute one of the fundamentals that make for distinctive normative ideals not entirely aligned with liberal ones that O'Dwyer focuses on. This may pose a

more fundamental, normative challenge to him insofar as he takes up a capabilities-based account of ethical individualism as *the* only starting point for his normative judgement. However, different background values may imply that we should ab initio work on different intuitive ideas and register different starting points along with a concern over individual capabilities.

To see how cultural values inform normative thinking, we can first take a look at John Rawls's political constructivism. In his political liberalism, Rawls starts out with intuitive ideas of persons as free and equal and society as a fair system of cooperation, which he takes to be widely shared among Western liberal societies. Whether these intuitive ideas can stand to empirical scrutiny is something Rawlsian scholars need to work on (and Rawls does get challenged on this score), but it is clear that Rawls' (contractarian) ethical individualism starts from empirical observations, which is one sense in which his theory is political not metaphysical. If O'Dwyer adheres to his particular version of ethical individualism as the sole basis upon which normative judgment is made, he needs to give similar empirical reasons in order not to slide into upholding some metaphysical doctrine.

This problem is salient because the focus of O'Dwyer's study is East Asia, a territorial and cultural space that many scholars take to be special in historical, cultural, and philosophical terms. Let's recall here David Wong's distinction between rights-centered and community-centered moralities, which he gleans from liberal and Confucian societies respectively. For Wong, rights-centered morality stands for values of rights and justice that normally include "a conception of the characteristic ground for the recognition of individual rights, as well as a generic conception of rights" (2004, 32-3). In contrast, community-oriented morality speaks for the "common good . . . in a shared life as defined by a network of roles specifying the contribution of each member to the sustenance of that life." Confucian morality pertains to the latter. We can also speak of rights-based morality as that of impartiality and the communal one as that of partiality, as the latter stems from particular roles and relationships while the former does not. I am not insinuating that community-based values such as Confucianism should replace ethical individualism—indeed the views

of many mainland Chinese Confucians do smack of collectivism and dogmatism for various purposes. What O'Dwyer needs to show us, however, is why ethical individualism of the particular kind he *alone* favors should take priority over Confucian community-based morality, and further why this priority leaves little room for institutionalizing Confucian values.

O'Dwyer may reply by saying that even if there is some truth in recognizing the *normative* significance of community-oriented morality, East Asia is no longer a community that is recognizably Confucian. So much has changed since the advent of modernity, imperialism, industrial revolution, scientific progress, and the age of democracy, and even some remnants of community-oriented morality, if there are still some, are not intelligibly Confucian anymore. This, in some way, goes back to the issues discussed in Section I, but here we can take a step back to see Confucianism in terms of a first-order framework and an applied second-order theory or manual. The specific *manual* traditional East Asia adopted may have petered out—say, the Confucian idea of filial piety embodied in its traditional form and ritual perhaps has already fallen out of grace. But the *framework* is still very much alive as it points to the community-oriented values germane to any plausible thinking about morality. Back to the case of filial piety, the idea that mutual caring between parents and children profoundly shapes one's moral psychology still deeply structures the mentality of East Asians and may have further universalistic implications. Of course, whether we can call "Confucianism as a framework" Confucian is up for debate (and we can even grant that Confucianism in any shape or form no longer matters), but the point overall in this section still holds—that, in O'Dwyer's account, community-oriented morality takes a back seat and simply makes way for liberal rights-based morality (or what he calls ethical individualism) even if both of them are at stake, especially in the East Asian context.

IV. Regime and Legitimacy

The tension between rights- and community-oriented moralities arising from the cultural identity issue recurs in subsequent discussion. One of the key claims made by O'Dwyer as part of his liberal theory for East Asia is that liberal democracy overall is a more plausible regime type than pragmatic Confucian democracy, a la Roger Ames and Sorhoon Tan, and meritocratic or hybrid democracy, a la Daniel Bell and Jiang Qing. One of the distinctive merits of O'Dwyer's account here is that he takes a pragmatic, comparative approach, going back and forth between Deweyan Confucian democracy and Confucian meritocracy before laying out his preferred vision, which obviates the need to appeal to some overarching standards (however, his account is ultimately still dependent on capabilities-based liberal theory). Another feature is the vast amount of the literature he draws on, which ranges from epistemic elitism, democracy, and political legitimacy.

In his critique of Bell's and Jiang's proposals, O'Dwyer has trenchantly pointed out the difficulties with epistemic elitism. For him, not only have East Asian societies become so pluralistic that it is becoming increasingly difficult for a traditional *junzi* to know how to govern well, but also the track record of the gentry and bureaucratic elite has not evinced their leadership and competence as Bell and Jiang expect. Ultimately, there is a lack of political legitimacy in meritocratic accounts, and meritocratic authority has been "disproven by the explosive development of democratization and 'public spirited' civil society movements in South Korea" (CP, 185). Instead of rejecting meritocratic institutions altogether, O'Dwyer believes that an elite chamber playing a negative role constraining the vicissitudes of the democratic majority can be justified by drawing on Joseph Raz's service conception of political authority. The idea here is that the upper house along with its "paternalistic, perfectionist intervention" can be justified by it serving as an institutional entity that guarantees that people better comply with right reasons for acting by following their authority than if they act on their own reasoning.

However, three questions can be raised in response from a Confucian or meritocracy-oriented perspective. First, the key idea in Confucian

political order is predominantly who governs rather than rule-based order. The idea, as Justin Tiwald (2019) claims, is that "governance will be much more likely to improve if we reform the character of those who govern." It is a different *kind* of question from the one that asks what kind of institutional rule can be best justified. Confucians have largely adopted virtue-centric frameworks or approaches. In this light, while the accounts of Bell and Jiang may be flawed in institutional design, their key concern at least partly lies in cashing out the ruler's character as the source of political wisdom, which has not been given due credit by O'Dwyer. Second and relatedly, the Confucian question points to the *virtue* of rulers, not just their epistemic competence. The latter, however, has been O'Dwyer's focus. What knowledge they possess and act on, of course, matters but they are not expected to embody full expertise in any technical sense nor speak of virtue without moral overtones—what matters most is the leader's virtuousness and their behavior that extends moral virtues to the wider public. Finally, Bell can claim not only that his political meritocratic legitimacy sits alongside democratic ones, thereby pointing to multiple sources of legitimacy, but also that the holistic nature of meritocratic legitimacy (its concern over the common good instead of directly over individuals) derives from the community-oriented morality I discussed above. Meritocratic legitimacy depends on the extent to which the common good is promoted rather than how it relates to individual rights and duties. If rights-based morality is not all there is about morality, then meritocratic legitimacy can pro tanto lay partial claim to political legitimacy.

I do not mean that O'Dwyer does not have powerful arguments at his disposal to meet these challenges. Much depends on how he weighs rights-based morality against community-based ones and further empirical evidence undermining the possibility that the character of the ruler is as crucial to good governance as is rule-based order. But we do need these further considerations in order to make further judgement. Now I stop drawing on the communal concern for a moment, and focus, as O'Dwyer does, entirely on the individualist track.

O'Dwyer offers a qualified defense of the upper house by drawing on Raz's service conception of authority, and it at first sight seems natural to turn to him if one's liberal account leans toward perfectionism. However,

people do not usually associate Raz's account with institutional design—at least this is not the way Raz himself intends it to be understood. What is distinctive about Raz's account is the compartmentalized nature of normative justification, meaning that political authority does not safely reside in institutions; rather, all depends on how these institutions and their leaders behave. Raz's justification is context-specific, and as Raz himself puts it, the service conception of authority provides "maximum flexibility" in determining the scope of political authority (1986, 73). Some branch of government may have some authority sometimes, and it may have more authority over one person than over another. The corresponding context-specific duty to obey and non-compliance naturally follow.

Back to O'Dwyer's case, the problem turns out to be that it is possible that the upper house acts on decisions not all of which meet the reason compliance condition, especially given what he says about the elite's disastrous track records. Should we say that the upper house can be justified only on an ad hoc basis depending on what cases it enacts and how these cases lead to people complying with right reasons? Further, in cases where disputes arise over whether obeying one particular decision of the upper house makes one better comply with reasons, who should, and is entitled to, adjudicate over these disputes? Alternatively, if democratic decision-making can enable one to better comply with reasons than otherwise is the case, then democratic institutions can also fit into the service conception pretty well. More fundamentally, the problem is not just that the upper house cannot be a wise "Big Daddy" sometimes in some of the cases over which it adjudicates, but that aligning the question of institutional design with Raz's service conception misses the point about the conception itself, which addresses a different set of questions than O'Dwyer asks. [1]

[1] I am, however, not attributing ethical individualism to Raz. Raz, in fact, rejects the idea that morality or political morality is rights-based. What I did is explain how Raz's particular position in the conception of authority fits into, but does not justify, O'Dwyer's ethical individualist account of the elite chamber.

V. Public Reason

The last chapter of O'Dwyer's book is devoted to public reason in the East Asian context with a close engagement with Sungmoon Kim's notion of "Confucian public reason." With value pluralism and deep disagreement characteristic of modern social conditions, O'Dwyer seeks to provide a justification of liberal pluralism "in a less comprehensive and least morally taxing sense," leaving intact as many faiths, beliefs, and ways of life as possible (including unreasonable ones) (CP, 198). Here again, O'Dwyer remarkably weaves together such diverse sources of liberal inspiration as Isaiah Berlin, John Dewey, Judith Shklar, as well as John Rawls. In making his case for liberal pluralism, he carefully keeps a middle ground between Berlin's value pluralism and Rawls's political liberalism, albeit within the framework of public reason.

I assume that readers are sufficiently familiar with the later Rawls's political liberalism and Kim's work as the background of our discussion here. One feature of O'Dwyer's use of the public reason framework is that he does not rely on it for a liberal contractarian conception of legitimacy as Rawlsian scholars usually do (his conception of legitimacy lies elsewhere in some resemblance of Raz's account, as we saw). The work public reason does is much restrained in scope as it is only set to address the issue of accommodating value pluralism within a liberal democracy justified through a different route. One may doubt whether O'Dwyer's capabilities-based account is equally morally taxing given its proximity to Aristotelian perfectionism, but I will not pursue this line of critique here (Jiang 2021). Instead, I focus on one issue that O'Dwyer raises against Kim's public reason Confucianism, which is that "public reason Confucian perfectionism (can) impose morally taxing, unreasonable burdens on the consciences of adherents of different ways of life that may not conform with certain Confucian public norms" (CP, 221). The core idea is that even if what Rawls calls comprehensive doctrines are infused into public reason thereby making for the possibility of diverse public reasons sensitive to different cultural contexts, bearing the name of Confucianism can pose morally controversial burdens on those people living in East Asia who do not identify with, and subscribe to, Confucian values. Similar concerns have

also been raised by scholars of a liberal bent in recent years.

Within the public reason framework, there are some strategies available in Kim's toolkit that can help to allay O'Dwyer's concerns. It is true that Kim's effort to render public reason perfectionist is not immune from the critique of sectarianism. But so are other proposals including theories upholding strict state neutrality. For instance, every public reason approach needs to address the question of the justificatory constituency, that is, to whom public reason is justified, and the constituency needs some level of abstraction and idealization that can help to rule out so-called "unreasonable" citizens. It is futile, for instance, to justify individual dignity and freedom to Nazis or religious fundamentalists, and we cannot let these radical minorities' defiance ruin the whole edifice of public reasoning that is owed to free and equal persons. Kim then would say that one way of responding to O'Dwyer is to hypothesize a modern Confucian constituency that is congruent with Confucian public reason. One may further pick up on the thresholds of abstraction and idealization and the idea of reasonableness presupposed underneath, but this shows that Confucian public reason at least does not need to be particularly disrespectful any more than liberal public reason is.

Beyond public reason, a more serious issue emerges if we revisit the tension between community- and rights-oriented moralities discussed in Section II. If O'Dwyer is truly committed to plural moralities, as he claims himself to be, he should at least open himself up to a more radical scenario where liberal political order makes way for something different—even illiberal—insofar as community- and (liberal) rights-oriented moralities vie for recognition and deserve equal treatment. What we end up with would not be the same form of public reason-based liberal order reproduced across different communities, but different political moralities for different cultural communities depending on how different sources of morality interact and accommodate one another in different cultural contexts. In other words, ethical individualism of the kind that he insists on—both as a methodological approach and a substantive theory—may turn out to be sectarian if it does not put itself on an equal footing with community-based morality, Confucian or not, and look for mutual accommodation. Every normative theory needs

some anchoring, but the question comes back to O'Dwyer as to why this anchoring should be fixated on ethical individualism and especially the version he adopts.

VI. Conclusion

This review offered a sustained critique of O'Dwyer's capabilities-based liberal theory for East Asia. I focused on his key claims about cultural identity, regime legitimacy, and public reason. My key concern is over his anchoring of his theory to a particular kind of ethical individualism, thereby foreclosing a more fruitful engagement with Confucian values and community-based morality in general. My critiques do not in any way downplay the value and relevance of O'Dwyer's profound insight but are only meant to invite him and other scholars working in this field for further discussion and mutual engagement.

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