

Book Review



Huang Yushun

Voice from the East: The Chinese Theory of Justice. Translated by Hou Pingping and Wang Keyou. Reading, UK: Paths International, 2016.

Huang Yushun's *Voice from the East: The Chinese Theory of Justice* is an ambitious and deeply learned work of scholarship that seeks to establish a modern, global theory of justice rooted in Confucian ideals. Building on Huang's commitment to "Life Confucianism," this work argues for a coherent system of Confucian concepts and principles that draws on the great themes of China's past, but is fully adapted to life in the contemporary world.

Although the title refers to a "Chinese" theory built upon classical Chinese texts and vocabulary, Huang is working toward universal principles of justice that transcend their manifestation in a particular culture and can appeal to all humanity. This Chinese theory centers on *yi* 義 and *zhengyi* 正義, which, he argues, are not identical to the meaning of the word "justice" but have significant overlapping meanings and pertain to similar fundamental human concerns (21). Thus, in trying to overcome the asymmetry of contemporary scholarship, Huang suggests that a Chinese theory of justice is truly a human theory of justice (5).

For readers who are even slightly familiar with the topic, the title of the book will immediately recall John Rawls's monumental work *A Theory of Justice* and raise the question of just how it relates to the "Chinese" version. Throughout the book, Huang focuses on his own Confucian vision and insider debates among Confucian scholars and does not engage much with Western theories, including Rawls's. He dispenses with Rawls pretty quickly, perhaps too quickly, by pointing out that his theory is not a thoroughgoing theory of justice (6), but only what Rawls acknowledges as a "political conception of justice." Although this is largely true, and there is some kind of "justice" in ignoring Rawls just as much as Rawls ignores Confucius, because Huang includes both impartiality and fairness among his principles of justice and because he also has concerns about political systems, it might have been fruitful for Huang to spend a

chapter exploring where his theory agrees and disagrees with not only Rawls's but also other rival theories.

In spelling out his vision of justice, Huang builds upon a structure suggested by Mencius (6), linking the key concepts of Confucian morality systematically. Ultimately, Huang describes the broad structure of justice from individual moral psychology to the goals of civilization. Huang's final formula looks like this: "We come to the completed fundamental thought structure of the Chinese Theory of Justice: benevolence/humaneness → interests → intuitive knowledge → the principle of justice → reason → rites/proprieties (norms and institutions) → music/harmony" (46). After a few more notes on the format of the book, I will describe how Huang unpacks these terms and their ordering.

Huang spends about three-quarters of the book setting out these key concepts and then carefully combing through classical texts to demonstrate their meaning and importance throughout Confucian and Chinese thought. Although the final arrangement and formulation of the "fundamental thought structure" is Huang's own contribution, he argues that the elements and their relationships are present or implied in the classical works. He digs deeply into the ideas of the well-known Confucians—Confucius, Mencius, and Xunzi—but also ranges farther afield, finding parallel ideas in *The Rites of Zhou* [*Zhouli*], the *Book of Change* [*Zhouyi*], the legalist text *The Book of Lord Shang* [*Shang jun shu*], and the Han-dynasty text *Baihu tongyi*.

After exploring the appearance of these ideas in Chinese history, Huang turns his attention to contemporary issues and argues that the Chinese principles of justice can and should be realized in the world today. Finally, personal correspondence and interviews on related topics are included in the appendices.

Following Mencius in broad strokes, Huang argues the principle of justice [*yi*] is what connects benevolent motivations [*ren*] to the proper norms and institutions [*li*]. Huang provides additional details to this structure, which we can see in considering his key concepts.

The foundation of justice is the feeling of benevolence. Huang goes so far as to call *ren* the *noumenon* of morality (64), which I think is unnecessarily loaded but shows how everything that follows derives from this wellspring. This implies that benevolence is not only the source of goodness but also the source of conflict, and conflict is the reason why we need justice. Here we see some of Huang's original thinking in an interesting take on the moral psychology of benevolence, interests, and intuitive knowledge underlying a broad theory of justice. Huang suggests that benevolence is the source of conflict, but it also holds the method for overcoming conflicts (65). This is because benevolence appears in two ways: as "graded love" and as "humaneness of equal consideration of all."

Graded love, a more familiar notion associated with Confucianism, has been the subject of debate from the classical Mohists to modern legal reformers. Huang suggests that graded love is the cause of conflicts, because people will inevitably fight for the interests of those who are close to them (67). This brings us to the second key concept, interests [*li*], which Huang complicates by proposing an expanded notion of interests (68). Interests are not merely selfish and opposed to public welfare but, rather, can include the good of the community and those close to us, as well as ourselves. Because of benevolence and graded love, we have a genuine interest in whether our relatives and friends do well. Of course, my interest in my friends' success may conflict with your interest in your friends' success. This is how benevolence can lead to conflict.

Huang then suggests that humans have an intuition about fairness (71) that we might call a "sense of justice." (Rawls also suggests the existence of a pretheoretical sense of justice, which was carefully explored by Erin Cline in *Confucius, Rawls, and the Sense of Justice*.) Whereas Mencius put wisdom [*zhi*] at the end of his moral structure, Huang divides the meaning of wisdom into two and gives them different roles in the process. First, between interests and justice is the intuitive knowledge that people beyond our own circle also have their own interests that should be accounted for; later comes the practice of wisdom as reason and knowledge (75), which guides the implementation of principles in norms and institutions.

Having suggested that graded love can cause conflicts, Huang brings in the second aspect of benevolence to initiate a process for addressing conflict. Here he leans heavily on the less familiar notion of "humaneness of equal treatment of all" (8), which drives us toward social norms and intuitions that ensure fair consideration of everyone's interests. Whereas the Confucian notion of extending one's feelings of affection for family to others has long been recognized, Huang pulls in evidence from Wang Yangming (66) and Han Yu (100) to give this notion a greater degree of impartiality and fairness with regard to others' needs. It might be a stretch to call equality a traditional Confucian conception of benevolence, but there are inklings of it in the classics that Huang highlights, and in constructing a modern theory I see no reason to limit ourselves to the oldest strata of Confucian thought. Relying upon this underappreciated aspect of benevolence, Huang moves toward principles of justice [*yi*] that will ensure equal treatment (but not egalitarianism) in society and thereby resolve conflicts in personal interests.

Huang proposes two principles that make up the full picture of justice: the principle of properness and the principle of fitness (8). The principle of properness will resonate more obviously with Western accounts: it includes considerations of impartiality in public matters and fairness with respect to

individuals' interests (34). The principle of fitness is what most distinguishes the "Chinese" theory of justice. Drawing upon the ancient association of *yi* 義 with *yi* 宜, Huang argues that justice must be fitting and appropriate to the historical era and to local conditions (40).

Fitness is important because the norms and institutions [*li*] of one era may not be appropriate in another. This is central to Huang's claim that, although norms may change, the principle of justice does not (8). He frequently cites Confucius as saying "rites can be modified" (204). Although rites and norms can be modified, they must always be in accordance with justice. That is, norms must be proper and fitting, whatever those norms may be. This idea is key to bringing Confucianism into the modern world. Huang argues against fundamentalists who say that modern Confucianism should reestablish traditional norms of bygone eras and, instead, claims that changing norms must be grounded in unchanging Confucian principles (69). Modern norms and institutions must fit with a globalized world of citizens in nation-states and yet can still employ the vocabulary and concepts that have survived throughout Chinese history.

Creating modern institutions that accord with principles of justice requires wisdom [*zhi*] in the form of practical rationality and knowledge (74). This means that those who reform rites [*li*] must have deep familiarity and understanding of the rites, human beings, and nature in order to reform them in ways that are both proper and fitting.

Finally, the purpose of justice, of norms, and of wisdom, is to bring about harmony [*he*] and joy [*le*] in people's lives (76). Justice is not pursued for its own sake but to allow the enjoyment of life. Thus it is associated with music [*yue*] and the vibrant satisfaction and enjoyment that this represents. This, in brief outline, completes Huang's structure of justice: "benevolence/humaneness → interests → intuitive knowledge → the principle of justice → reason → rites/proprieties (norms and institutions) → music /harmony."

What is most impressive about this work is the depth of detail and scholarship as well as the novel structure Huang proposes to systematically unite important Confucian moral concepts. What the book lacks is largely in its presentation. Most superficially, it could clearly use another round of copyediting. Still relatively superficially, although the translation is generally clear and readable, some unusual word choices were made, and some phrasing is awkward—both of which hint at an elegance in the original that does not quite come through.

In addition, the chapters are somewhat disjointed, since much of it was written for various occasions and publications and only subsequently brought together in book form, apparently without much modification. This leads to

another, more substantive, issue of presentation, which is the burdensome amount of repetition from section to section. Although the general theory is laid out in the first couple of sections, each time Huang addresses a different classical text, it feels as if he is reinventing the wheel. In some sense, he is systematically and patiently uncovering each element in each text. But even given that kind of organization, it seems unnecessary to reintroduce the key concepts each time before delving into the unique details of the text under consideration.

Although the textual details and range of issues under consideration are extensive, in another sense I was left wanting more. When Huang finally turns from analysis of historical documents to issues in the contemporary world, including the role of Confucianism after the May Fourth movement, the 2008 financial crisis, and the possibility of a global ethic, we are left wondering what the implications of his theory actually are. If we need to approach a financial crisis with benevolence and justice, what does that look like? If we are to make modern laws that are fitting and proper, how do we instill impartiality and fairness? Huang gives us principles but does not explain how those principles change our practices. If Confucian principles are to be relevant to modern life, how does that mean people are going to live? These sections end abruptly, before making any concrete, and potentially controversial, suggestions.

Huang's notion of benevolence as the sentimental root seems to accord well with modern naturalistic accounts of moral psychology emphasizing pro-social group bonding, but it does not seem adequate for the complexity of people's emotional life in moral development and reasoning. Likewise, the principles of properness—that is, impartiality and fairness—may not give enough guidance to account for the complexity of intersecting and competing interests in a multicultural global community. Confucian concepts may give us a framework for understanding justice, but we need to go beyond these primary concepts to flesh out a living Confucianism in the midst of contemporary academic debates.

This leaves me with my main conceptual concern. If fitness is a key component of justice, and any norms or institutions have to fit with the historical era and the local conditions, who will decide what is fitting? The principle of fitness introduces a relativistic core to the theory. Huang tells us that it is people-oriented politics that legitimizes governance (in an interesting section on the Duke of Zhou), but the people's sense of fitness is a notoriously unreliable standard, and the leaders who are invested with their "mandate" are often frighteningly fallible. I am afraid that what we need are sages, who are motivated by benevolence, driven by other-regarding interests, in touch with intuitive knowledge, committed to principles of justice, rational and knowledgeable

in the construction of institutions, and always in pursuit of harmony. Absent such masters, the problem of determining whether a norm is fitting is probably why this variable standard has not been part of most conceptions of principles of justice. Because norms must, indeed, change with the times, I do not think this is a reason to abandon “fitness,” but it is a problem that needs to be addressed more directly and might make us question whether “justice” and *yi* have some important divergences.

Huang Yushun seems deeply committed to the project of a Chinese theory of justice, and, with some refinement of the expression and further considerations of the implications of his theory, the core structure could become a conception of justice that will be respected and developed by global scholars. In its current form, the book is a bit unwieldy but contains a wealth of information on Confucianism and Chinese ethical ideas, interesting contributions to debates in Confucian scholarship, and a broad conception of justice that systematically unites key ethical concepts in a novel way.

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