

# Li Zehou's "Harmony is Higher than Justice": Context and a Collaborative Future \*

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## Abstract

In this paper I will delve into Li Zehou's idea that "harmony is higher than justice (*hexie gaoyu zhengyi* 和諧高於正義)". Firstly, I will situate this proposal within the context of the contemporary debate on harmony and justice in Western and Chinese traditions. The position Li holds generally belongs to those who see justice and harmony as representative of a West-East difference. However, it can be developed to promote a more nuanced understanding. After giving due consideration, brief though it must be, to his argument, I will sketch some of the other major views on the relationship between harmony and justice, providing a critique from Li's perspective. In the final section I seek to expand on Li's theory by outlining a more collaborative path for thinking about harmony and justice.

**Keywords:** Li Zehou, ethics, harmony, justice

## Li Zehoujeva ideja »harmonija je višja od pravičnosti«: kontekst in kolaborativna prihodnost

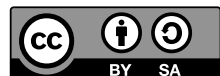
### Izvleček

V pričujočem članku avtor obravnava Li Zehoujevo idejo o tem, da je »harmonija višja od pravičnosti (*hexie gaoyu zhengyi* 和諧高於正義)«. To predpostavko najprej umesti v kontekst sodobnih razprav o harmoniji in pravičnosti znotraj zahodnih in kitajskih tradicij. Na splošno spada Lijeve pozicija med tiste, za katere vprašanje o pravičnosti in harmoniji odraža razlike med vzhodom in zahodom. Vendar pa jo je mogoče obravnavati tudi v okviru bolj niansiranega razumevanja. Po krajši obravnavi tega argumenta avtor skicira nekatera druga osrednja razumevanja razmerja med harmonijo in pravičnostjo ter predstavi Lijevo kritiko le-teh. V zaključnem delu avtor poskuša nadgraditi oziroma razširiti Lijevo teorijo s pomočjo vzpostavitve bolj kolaborativne metode razmišljanja o harmoniji in pravičnosti.

**Ključne besede:** Li Zehou, etika, harmonija, pravičnost

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## Introduction: Appreciating Harmony and Justice

In recent years there has been a growing trend for comparative studies on “harmony” and “justice” in philosophical and political circles. Broadly speaking, there are two camps in these discussions. Firstly, there are those, such as Li Zehou 李澤厚 (2014), Henry Rosemont (1988), and Roger Ames (2011), who contend that we can use these concepts to distinguish between general trends in Western and Chinese philosophical discourses writ large. Secondly, there are those, such as Huang Yushun 黃玉順 (2013; 2015) and Erin Cline (2013),<sup>1</sup> who find theories or “senses” of justice in both traditions—and similarly some scholars, including Li Chenyang (2014) and Yu Jiyuan (2016), who see appreciations of harmony and justice in both traditions. Thus, harmony and justice are often used to either parse out the differences between these traditions, or as evidence of some commonality between them. However, a third perspective can be introduced. Li Zehou’s proposal that “harmony is higher than justice” is particularly conducive to developing an alternative “collaborative” view on the relationship between the two notions—one that goes beyond both camps, including Li Zehou’s own classifications.

At their extremes, harmony and justice could hardly be more dissimilar. A naïve take on harmony sees it as “innocence” or “consistency.” As Li Chenyang (2014) argues, one version of this is represented in Max Weber’s (1951) and Martha Nussbaum’s (1990) critical presentations, where harmony is coupled with sameness or identity and eschews any divergences.<sup>2</sup> Everything matches a pre-determined order, which neutralizes the very possibility, and reality, of conflict. Similarly, the extremes of justice—as demonstrated by Michael Sandel (1982) and Li Zehou’s (2014) respective criticisms of John Rawls and others—are overly reliant on adhering to abstract principles, prioritizing reason at the expense of emotional considerations, and a conception of the person devoid of concrete ties to communities and others. While these extreme versions of harmony and justice are not necessarily juxtaposed, they are decidedly distinct. But as we move either harmony or justice into the practical sphere, or when critics or proponents of either talk about their actual implementation, we often find that the differences between the two begin to blur and dissolve. In other words, harmony and justice tend to share more in common in actual practice than in their theoretical accounts. Here their respective dissimilarities read more like nuanced emphases

1 Huang Yushun and Erin Cline only represent a small number of scholars who have written on justice in early Chinese philosophy. Their works, which will be discussed below, are the most recent monographs on this topic. However, there are many others who have also addressed this issue. For example, Cline points out distinctive arguments for early Confucian notions of justice in the works of Randall Peerenboom, Alan Fox, Xunwu Chen 陳勛武, Yang Xiao 蕭陽, and Ruiping Fan 范瑞平 (Cline 2013, 16–18).

2 For more on this, see Li Chenyang 2014.

rather than stark discrepancies. One way of making sense of the complex relationship between justice and harmony involves understanding their historical developments, and envisioning their ideal relationship. Li Zehou's reading seems to involve this twofold task. While suggesting that all moral principles are products of historical trends, Li Zehou proposes the idea that "harmony is higher than justice" as a way towards thinking about a more collaborative interaction between the two notions. Even though Li himself uses harmony and justice as ideal types for the Chinese and Western philosophical traditions, his proposal opens up the possibility of symbiosis.

In what follows I will offer a detailed account of Li Zehou's idea that "harmony is higher than justice", situating it within the context of the abovementioned debate. Though generally understood as belonging to those who see justice and harmony as points of difference between Western and Eastern thought, Li Zehou seems to promote a more nuanced understanding, which reveals an inherent connectivity and complementary relationship between the two notions. After briefly presenting Li Zehou's argument, I will provide a summary of some of the other major views on the relationship between harmony and justice, examining them critically from Li Zehou's standpoint. In the final section, building upon Li Zehou's theory, I will outline a more collaborative path for thinking about harmony and justice. I will attempt to demonstrate that, rather than comparing or contrasting the two notions, taking a collaborative perspective enables and points out the need for harmony and justice to function as mutually informative and corrective. When the two are viewed as integrated we may actually gain a much richer appreciation of not only the comparison of Chinese and Western philosophies, but of ethics, morality, and order as such.

## Harmony *versus* Justice

In this section I will sketch the discussions given by three proponents of the argument that harmony and justice are critically dissimilar notions—that early Confucian thought focuses mainly on harmony as opposed to justice, and that the emphasis in the Western tradition is exactly the opposite. As mentioned above, I will outline the relevant works of Henry Rosemont and Roger Ames, before turning to Li Zehou's idea that "harmony is higher than justice". Here is worth acknowledging that the lack of any lexical equivalent to "justice" in early Chinese has been widely noted.<sup>3</sup> Indeed, some have suggested that the modern translations "*zhengyi* 正義"

3 For an excellent discussion on this, reviewing thinkers such as Randell Peerenboom, Alan Fox, Xunwu Chen, Yang Xiao, Ruiping Fan, Henry Rosemont, Roger Ames, Brian Van Norden and others, see Cline 2013, 8–18.

and “*gongzheng* 公正” have more to offer for theories of justice as they are similar yet alternative notions. This issue will not be addressed at length here.<sup>4</sup> Below I will focus instead on how scholars have dealt with conceptions of harmony and justice as distinguishing features of Chinese and Western philosophical traditions.

Henry Rosemont and Roger Ames have long been outspoken critics of any attempt to read (overly) Western concepts and vocabulary into classical Chinese thought—perhaps even to an extreme. Their general position, and reason for holding this view, is summarized by Rosemont: “to learn not simply about, but *from* other cultures”, which means “we must endeavor to let their thinkers speak to us as much as possible in their terms, not ours”. (Rosemont 2015, 27) Rosemont further extends this position in a provocative argument:

the only way it can be maintained that a particular concept was held by an author is to find a term expressing that concept in his text. Thus we cannot say so-and-so had a “theory of X”, or that he “espoused X principles”, if there is no X in the lexicon of the language in which the author wrote. (Rosemont 1988, 41)

According to Erin Cline, who also refers to this quote and to Rosemont’s claim that there is no semantic equivalent for justice, Rosemont “maintains that without a term for ‘justice’ in classical Chinese, we cannot show that the concept of justice exists in classical Confucian thought” (Cline 2013, 11). Indeed, in his most recent book Rosemont mentions justice at the top of his list for topics that might inhibit us from understanding Chinese texts “*in their own terms*” (Rosemont 2015, 5). Cline’s use of the word “concept” is quite accurate here. For Rosemont would likely agree that there is no “concept” of justice in early Chinese texts—however we should not assume that this equals a lack of any *appreciation* for justice. In other words, for Rosemont, the Western and Chinese traditions differ in that the former has a concept of justice, and the latter does not. However, this does not necessarily imply that there is no conception or sense of justice in the latter.<sup>5</sup>

4 Li Zehou and Yang Guorong 杨国荣 have both suggested that *zhengyi* 正義 and *gongzheng* 公正 are separate concepts, neither of which are fully in line with modern notions of justice. According to Li Zehou *gongzheng* is more closely related to public “consulting” (*xieshang* 協商) in establishing “consensus” (*gongsbi* 共识), and *zhengyi* has to do with “natural principles” (*tianli* 天理) and “argumentation” (*liyì* 理義) (Li Zehou 2015, 7). Li Zehou adds that “*gongzheng* has more to do with reason, whereas *zhengyi* includes more emotional elements” (ibid., 8). Yang argues that “the cognate *gongzheng* often refers to the values of *gong* and *zheng*” which he defines as “transcending individuality and privacy (*si* 私)” and “integrity, fairness, and appropriateness” respectively (Yang 2014, 215). Though it is well worth looking at the way the uniquely Chinese notions of *gongzheng* and *zhengyi* can contribute to discussions of justice, it falls outside the scope of this paper.

5 Here I am loosely referring to Rawls’s distinction between a “concept of justice” and a “conception of justice”. For Rawls the general difference is that the concept of justice refers to an actual theory,

Since justice is not a major focus of Rosemont's studies, it is perhaps best to turn to his long-time friend and collaborator, Roger Ames. Both Rosemont and Ames share in finding the Chinese and Western traditions different in terms of lacking and having a specific concept of justice. However, they do not suggest there is nothing similar to "justice" in Confucian texts. Indeed, there is certainly sufficient room here for appreciating the values associated with theories of justice in a different way—one which begins with respecting concrete experience as fundamental for all moral and ethical claims. In other words, we can derive some Confucian understandings of something like "justice", even though they are decidedly dissimilar from the theories of justice commonly found in Western traditions. Ames writes,

And the notion of justice—rather than being an appeal to abstract principles to enforce a blind impartiality that requires all particular differences to be set aside and all persons be treated equally—references the complex, creative process of achieving what is most appropriate in the specific, usually inequitable relations and situations that locate us within family and community. The resolutely hierarchical and dynamic pattern of the human experience that begins in family relations is going to have to be included in the equation that expresses a *Confucian notion of justice*. Such a Confucian understanding of freedom, equality, and justice, without deploying such terms specifically, is nested in the concrete project of achieving consummate conduct (*ren*) by being optimally appropriate (*yi*) in one's proper roles and relations (*li*). (Ames 2011, 123; italics added)

Thus, for Rosemont and Ames the lack of any lexical equivalent to "justice" in early Chinese is significant in that it shows there is no abstract concept or theory of justice. This is a true dividing point between Western and Chinese traditions. But it does not preclude the possibility of developing uniquely Chinese notions of justice derived from appreciations and senses of justice or associated values found already in classical texts.

Similarly, Li Zehou finds the Chinese and Western traditions can be broadly differentiated in terms of emphasizing abstract principle-based justice on the one hand and considering concrete particulars in working towards harmonious interactions on the other. Li Zehou writes, "Chinese culture looks for harmony where the

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whereas a "conception of justice is an interpretation of [its] role" (Rawls 1999, 9). For Rosemont, as will be explicated in the analysis of Ames, we could say that a "concept of justice" refers to abstract principles or rules, whereas a "conception of justice" speaks to ideas or values that might be similar to, or enhance, a general theory of justice. Thus, Rosemont might admit that certain aspects of "humaneness" (*ren* 仁), "ritual propriety" (*li* 禮), and even Confucian Role Ethics, include understandings of fairness or (graded) equality that are somewhat similar to some theories of justice.

West strives for justice" (Li Zehou 2016, 1093). In this way Li Zehou's argument is somewhat more decisive than Rosemont's or Ames's in assigning justice as a concern of Western traditions and harmony as an ideal for Chinese ones. Compared to Rosemont's or Ames's accounts, however, Li Zehou also provides a much more robust description of how theories of justice and understandings of harmony can interact. For Li Zehou, the difference between justice and harmony involves distinct emphasis on the role of reason and emotion in moral consideration. Harmony in China is based on emotion, which is cemented in ritual. These rituals are, in turn, "generated from emotionality" and are intimately related to *guanxi* 關係 ("personal relationships") (ibid., 1079). Justice, on the other hand, is both a product of, and places absolute value upon, reason. Instead of concentrating on human relationships and interactions, justice prioritizes the individual—as abstracted from relationships and concrete particulars. Thus, while Chinese harmony includes both emotional and rational elements, Western theories of justice have generally not been inclusive of emotions, and thereby comparatively impoverished. In this way harmony is clearly "higher" than justice, it binds both emotional and rational considerations, while justice is limited to rational judgments alone. To better understand what this means we need to consider Li Zehou's overall moral theory.

## Harmony is Higher than Justice

Li Zehou's moral philosophy is concentrated on what he considers his most significant contribution to moral discourse, namely, his so-called "two-morality theory" (*liang de lun* 兩德論). Most Western thinkers, Li Zehou contends, have failed to recognize the distinction between two types of morality, namely "religious morality" (*zongjiaoxing daode* 宗教性道德) and "social morality" (*shehuixing daode* 社會性道德). "Religious morals' involve personal beliefs, moral convictions, values, and conceptions of the good." They are "also the seat of moral virtue and an important element of individual education" (D'Ambrosio, Carleo, and Lambert 2016, 1064). In contrast to religious morals, social morals are more closely associated with abstract notions such as reason, justice, freedom, independence, and human rights. Social morals developed out of shamanistic ceremonies, which were the earlier predecessors of social customs, including norms, practices, and other social arrangements (*chengxu* 程式) necessary to sustain society. In terms of Chinese philosophy, we can find expressions of this morality connected to "ritual" or "ritual limitations" (*li* 禮).<sup>6</sup>

In the Confucian tradition "ritual" (*li* 禮) needs to be understood in a concrete sense. While more abstract "dogmas", "principles", or "doctrines" (*jing* 經) exist,

6 "Ritual limitations" is Li Zehou's own (suggested) translation.



they need to be checked by “expedients”, “measuring”, or “discerning” (*quan* 權) methods that allow them to be implemented (Li Zehou 2013, 89).

In this way [Li Zehou] argues that morality is constituted by the actualization of a harmonious balance between guiding regulations and appropriateness (*fandao he shidang* 範導和適當). Dogmas and doctrines, such as universal moral principles, need to be negotiated with the particulars of the actual situation in order to figure out the “proper measure” or “degree” (*du* 度) to which the universal principle should be actualized. One finds a balance between contingent conditions of the situation and ideal doctrines. This means, for example, that there are limits on when treating people as ends is proper. In extreme circumstances, such as war or terrorist threats, people can be used as means, and torture or sacrificing one person to save many others may be the moral thing to do. Li defends this position as being in line with both reason and emotions (*heqingheli* 合情合理), which he believes differentiates Confucian harmony from approaches to morality and justice in the Western tradition. (D’Ambrosio 2016, 726)

According to Li Zehou, the Chinese tradition is far better than the Western tradition in appreciating the importance of “proper measure” (*du* 度). This is due in large part to the former’s understanding of the role emotions have in moral behaviour. Li Zehou introduces his neologism “emotio-rational structure” to explain the foundational role of emotions. He writes:

The emotio-rational structure refers to the concrete intersection of emotion with reason and emphasizes that emotions and reason exist in dynamic, constantly changing relationships of different ratios and proportions with one another. (Li Zehou 2014, 38)

Harmony trades on incorporating emotions into moral understanding—and not simply as a matter of consideration, but as an integral part of moral judgment (or perhaps better understood as a “moral sense”) itself. In this way harmony is taken to be higher than justice:

Li states his position clearly in a phrase he frequently repeats: “harmony is higher than justice” (*hexie gaoyu zhengyi* 和諧高於正義). He further claims that the Western philosophical tradition fails to notice this fact (*ibid.*, 25). Accordingly, he finds systemic flaws in the individualism advocated by Western philosophy. Individualism theorizes about the individual abstractly, which sets the ground for isolating reason and

extracting principles from concrete situations. The focus then lies on justice as an abstract set of rationally defined rules. Chinese culture, on the other hand, recognizes the importance of social ties and roles in forming the individual. This means that context and emotion are important factors. Morality is then conceived of as a harmonious interplay of various persons who are always embedded in social roles and relationships. Li calls this a contrast between individualism and *guanxi*-ism. Individualism understands the self as an isolated individual that is essentially equal to others. Communitarianism, as a development of individualism, only admits the importance of social *influences* on individual identity. Confucian *guanxi*-ism is unique because it recognizes that individuals are *constituted* by society. (D'Ambrosio 2016, 726–27)

A Western conception of justice is not altogether thrown out. In fact, it is absolutely essential for developing a robust notion of harmony today. Harmony being higher than justice does not simply mean it is better, though it does carry this connotation. Even more importantly, it means that justice is the foundation upon which, and only upon which, harmony can be developed. Especially in today's pluralistic world, where shared social customs, norms, practices, and other social arrangements (*chengxu* 程式) are gradually thinning, justice can be used to form the common base upon which harmony can flourish:

Li is adamant that his idea "harmony is higher than justice" means that he wants to infuse Western principles of justice into Confucian emotion-based morality, and not that he wants to abandon theories of justice. Rational principles [i.e. Western theories of justice] would ideally provide the grounding upon which emotion-based harmony could be established. Li argues that rituals, customs, and social norms are generated by emotions (*li shengyu qing* 禮生於情), which is another way of stating that emotions are the substance (*qing bentu* 情本體) of morality. In other words, morality is founded upon the rituals, customs, and social norms that are solidified patterns of productive and effective human interaction. [Li's theory of] *Guanxi*-ism [which stresses that human interaction is the foundation of morality] shows that these are based on natural human emotions that are developed and cultivated broadly in society and narrowly in the individual's psychological structures.

In place of disembodied reason used to establish absolute principles of justice, Li understands psychological structures as the grounds for morality. Li envisions psychological structures, *guanxi*-ism, and the two types



of morality in a dialectical relationship. His position begins with a reinterpretation of the human. For Li there is no such thing as human nature. Li prefers to interpret the term *xing* 性, commonly translated as “nature”, as “psychology”. Furthermore, he argues that human psychological structures are not entirely given. They develop, both in the individual and the species, through time. As expressed in his two-morality theory, Li thinks that norms and moral systems develop and are solidified (*ningju* 凝聚) when they are able to meet certain socio-historical conditions. On the individual level this means that norms are useful for creating harmony in interpersonal relationships given particular social, political, and economic circumstances. When an individual internalizes social norms, they identify with them both emotionally and rationally, and then act accordingly. Norms are then abstracted and rationalized into moral systems. Li praises Confucianism, especially in contrast to the Western tradition, for remaining aware of conditional and emotional factors in moral considerations. (D’Ambrosio 2016, 727–28)

Western theories of justice are also founded, Li Zehou thinks, on the solidification of individual psychological structures and *guanxi*-ism. However, these Western theories forgot their more particularistic foundations. They became increasingly abstract. Philosophers such as John Rawls represent the epitome of this trend. The “veil of ignorance” for example, is a useful thought experiment, but it should only be incorporated as a regulatory guideline (*fandao* 範導). Those who find similar theories of harmony and/or justice in both Western and Chinese traditions downplay the significance of their differences.

## Harmony and Justice

Huang Yushun is probably the most prolific scholar of justice in Chinese philosophical thought. His books, *Zhongguo zhengyi lun de chongjian* 中國正義論的重建 (2013) (officially translated as *Voice From the East: The Chinese Theory of Justice* [2016]) and *Zhongguo zhengyi lun de xingcheng* 中國正義論的形成 (2015) (which carries the English title *The Formation of Chinese Theory of Justice*), argue that Chinese Confucianism has a rich tradition of theorizing about justice. Similar to many of the authors considered in this paper, Huang sees distinctions between the Western notion of justice and the Chinese terms *yi* 義 and *zhengyi* 正義. Despite this, the differences do not play a major role in Huang’s works. “Justice” is looked at in terms of a general, almost common-sense, notion of impartiality and fairness. As Huang writes, “from ancient to modern times, both Western countries and China have had their own issues about justice” (Huang 2016, 17–18).

These "issues" mainly concern social and communal organization (Huang 2013, 9), which require impartiality and fairness and contribute directly to harmony (ibid., 17). Justice is then a unifying theme in comparisons between the philosophical concerns in Chinese and Western traditions.

In *Confucius, Rawls, and the Sense of Justice* (2013) Erin Cline provides a similar argument in her specific comparative study of the *Analects* and Rawls. Here she tackles the position that there is no single term for "justice" in classical Chinese from various perspectives to demonstrate that this does not preclude the possibility that classical Chinese philosophers had an understanding of justice. Using Bryan Van Norden's arguments against this "lexical fallacy" as a starting point (Van Norden 2007), Cline notes that, "Although there is a well-developed account of self-cultivation in the *Analects*, a single term does not consistently represent this idea in the text" (Cline 2013, 15). Accordingly, the focus is shifted from finding a single term or defining a concept of justice, which has been the subject of much debate, to a "sense of justice". Cline defines the "sense of justice" as "the capacity to feel or perceive what is fair" (ibid., 18), and thereby circumvents many of the potential problems presented in the previous section.

In general agreement with Rosemont and Ames, Cline does not "think there is a full-fledged *theory* of justice in the *Analects*" nor is there anything like "rules or principles of justice" (Cline 2013, 151). She finds instead that many key terms in the *Analects*, such as "*yi* 義 ('rightness'), *shu* 恕 ('reciprocity'), *Ren* 仁 ('humaneness'), *xin* 信 ('trustworthiness'), *bu bi* 不比 ('not partial or biased') *zhou* 周 ('associates widely, keeping the public good in mind'), and *xing* 刑 ('punishments and the sense of fairness that is associated with them'), contribute to the development of a strong sense of justice, which is part of the broader Confucian project of self-cultivation and political ideals" (ibid., 152–53). In examining these terms Cline provides a nuanced account of how they are used in the *Analects*, and how they comprise a uniquely Confucian sense of justice.

*Yi* 義, for example, is investigated in terms of how it functions in the *Analects* before any definition is given. Ultimately Cline concludes that "*yi* reflects a sense of rightness, fairness, and honesty" (Cline 2013, 139). In other words, *yi* exemplifies the very definition of a sense of justice. Again, this does not imply that a specific theory or concept of justice is espoused through *yi*. Cline cautions,

*yi* seems to mean a sense of fairness, although it does not concern fairness in the sense of a disposition to adhere to the law or in regard to distribution and retribution. Rather, it means something more like fair-mindedness or the tendency to make balanced judgments about persons or situations. (Cline 2013, 139–40)

In Cline's view, this sense of fairness and justice is so strong in the *Analects* that it actually overrides the goal of harmony. In direct conflict with Li Zehou's view, she argues:

As we have seen, *in spite of* the social stigma, Kongzi [Confucius] gives his daughter in marriage to someone who was convicted of a crime [5.1]. In 15.28 he tells us to judge a person's character for ourselves *in spite of* the fact that others already hate them or love them. In these cases he calls us to go against the grain, rather than to accede to the judgments of others. This implies that he values fairness and good judgment even when they do not help to preserve harmony. Indeed, harmony could be attained fairly easily in some cases simply by going along with the judgment of the majority. But what Kongzi indicates in these passages is that he thinks it is wrong to sacrifice one person for the sake of harmony. Or, perhaps more accurately, if one person's well-being is sacrificed in the name of preserving harmony among the majority, then the state of affairs is not really harmonious at all. (Cline 2013, 144)

This account of harmony is, as we will see below, extremely oversimplified, which results in Cline reading into the text the argument she already wants to make. From Li Zehou's perspective 5.1 is simply about not being too hasty to judge others (Li Zehou 1998, 87)—which is exactly what passage 15.28 says: “The master said ‘[When] everyone hates [someone/something] one must closely examine it, [when] everyone likes [someone/something] one must closely examine it.’” Neither passage is about going against the grain (and consensus does not, anyway, equal harmony) at all. Instead they simply ask people to reflect for themselves. The background for this is clearly spelled out in how the notion of a “village worthy” has been understood.<sup>7</sup>

Li Zehou would likely agree with Cline's appreciation of valuing fairness and good judgment in a general sense, but would argue that this is precisely what marks the Confucian tradition as holding harmony as an overarching value—not something to ever be sacrificed. Additionally, what Cline refers to as “a sense of justice” is far too vague for Li Zehou. Introducing the term “justice” adds nothing to the comparison, besides blurring otherwise relevant distinctions with a philosophically meaningless gloss. Indeed, Li Zehou points to Rawls in particular as representative of a Western take on justice that emphasizes principles, laws, abstractness, and reasons, at the expense of emotions, and failing to recognize the distinction between “religious morality” (*zongjiaoxing daode* 宗教性道德) and “social morality” (*shehuixing daode* 社會性道德). The basis for Rawls' argument is

7 See Mengzi “Jin Xin II”.

a conception of the person as individuated, atomized, and abstracted from their concrete environment—a self whose social ties do not meaningfully comprise who or what they are. This is true, according to Li Zehou, not simply of Confucian accounts of morality and ethics, but of morality and ethics in a universal sense:

Human ethics and morals are built and created by humans, not as atomic individuals, but as social, communal people—selves that are the result of history, education, and socialization. (Li Zehou 2014, 13)

Although Huang focuses on the importance of social and communal ties in the Chinese tradition, Li Zehou would likely criticize Huang's gloss of "justice" along the same lines Cline could be criticized. Huang's treatment of "justice" neglects the historical, social, and philosophical importance of this concept. It amounts to appropriating a Western notion of "justice" without properly delineating an extremely important division between Western approaches to principles and Chinese ones. Classical Chinese debates, Li Zehou says, are centred around the use of *jing* 經 (dogmas, principles, doctrines) and *quan* 權 (expedients, measuring, discerning) (ibid., 89). The Western tradition is more unilaterally focused on the principles or doctrines themselves, and obsessive about matching them without exceptions, expedients, or other types of allowances—a perfect theory outweighs actual implementation. The Chinese view, with its eye on harmony, balances the two sides.

Despite potential criticisms from Li Zehou's perspective, Huang and Cline do help develop a more robust view of the problem. They hit on one of the central philosophical concerns in the discussion of the relationship between harmony and justice; namely, where should we draw the line between the two? When is preventing, solving, or dealing with conflict more important than preserving fairness? When and to what degree should fairness be sacrificed for cooperation? And perhaps most importantly, how should we balance between abstract theories (where "justice" dominates) and their concrete implementation (which concerns harmony)?

## Harmony as Justice, Justice as Harmony

In his book *The Confucian Philosophy of Harmony* (2014),<sup>8</sup> Chenyang Li provides the first English language monograph on Confucian harmony. Explicating the complexity, dynamicity, and richness of the Chinese concept of harmony

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8 Many of the articles in the third issue of the 2016 volume of *Dao: A Journal of Comparative Philosophy* were devoted to a discussion of Chenyang Li's book, and more reviews and articles are currently in the works.

are his main goals. In doing so Chenyang Li contrasts Chinese harmony, and specifically Confucian notions of harmony, with what he calls “consistent” or “innocent” harmony. These latter terms are borrowed from interpretations of ancient Greek—mostly Pythagorean and Platonic—conceptions of harmony that have been popularized by scholars from Max Weber and Karl Popper to Stuart Hampshire and Martha Nussbaum. In agreement with these, Chenyang Li presents Pythagorean and Platonic understandings of harmony (and justice) as established on a pre-set static order;<sup>9</sup> requiring conformity that eschews conflict or even difference. Using famous Chinese idioms Chenyang Li describes this kind of harmony as “a pool of dead water” (*yi tan si shui* 一潭死水) or “uniformity” (*tong* 同)—which is contrary to Chinese notions of harmony, especially Confucian ones (Li Chenyang 2014, 12).

Confucians, Chenyang Li argues, advocate a complex theory of “deep harmony”, prioritizing relations, interactions, and methods that are “harmonized but not identical” (*he er bu tong* 和而不同). Accordingly, there are at least seven major differences between Greek harmony and Confucian harmony.<sup>10</sup> The latter includes heterogeneity, tension, coordination and cooperation, transformation and growth, and renewal, which are, according to Chenyang Li, *all absent* in the former. Chenyang Li concludes that while harmony may be important in both the Western and Chinese traditions, the concept differs greatly in terms of the depth of appreciation, and its dynamic and complex nature.

In *The Confucian Philosophy of Harmony* Chenyang Li also discusses the importance of justice in Chinese and Western traditions. Here Chenyang Li recognizes a much more productive overlap between Western and Chinese thought. Speaking to Confucianism Chenyang Li writes,

A harmonious society is a just society. Just societies cannot exist without operating principles ... the Confucian ideal of harmony promotes equity as a principle of justice, and that equity is an essential characteristic of the Confucian harmonious society. (Li Chenyang 2014, 120)

Chenyang Li elaborates, “For Confucians, equity (各得其所 *ge de qi suo*) is a philosophical principle extending far beyond the legal domain” (Li Chenyang 2014, 122). So while he acknowledges that harmony and justice emphasize different aspects of individual morality, social ethics, and political structures, Chenyang Li ultimately

9 There is, of course, a lot of room for discussion here. For example, it is quite easy to give a reading of Plato that highlights the importance of developing an exceedingly dynamic and creative notion of justice. However, this argument falls outside the scope of this paper.

10 Again, we might easily argue that this depiction of Greek harmony is overly simplistic. But this criticism falls outside the scope of this paper.

finds that the two are mutually dependent. More specifically, Chenyang Li's use of the word "order" provides a suggestive wedge for incorporating justice into a Confucian philosophy of harmony, and *vice-versa*. Chenyang Li writes, "Although order itself is not harmony, harmony cannot be realized without order. ... Order makes it possible for harmonizing parties to find their own place in the appropriately structured system" (Li Chenyang 2014, 70). Again Chenyang Li uses the phrase "letting each get its due" (各得其所)<sup>11</sup>, but here to argue that "sacrifice at lower levels" may be required "in order to achieve harmonies at higher levels" (ibid., 8).

For Jiyuan Yu, Chenyang Li presents a perfect starting point for what could be called a "collaborative approach" to the issue. The concluding paragraph of Jiyuan Yu's review of *The Confucian Philosophy of Harmony* reads,

Our discussion of the contrast between the Confucian harmony and the Platonic one shows that both sides share points [concerning heterogeneity, tension, and coordination and cooperation] but differ over points [concerning transformation and growth, and renewal]. However, we also found that the most important comparison is that both sides take harmony to be "letting each get what is due". The key question, then, is to determine what is due. [...] Li's work has established a solid starting point. From here on, we should try to develop a Confucian rational justification of the belief that the world is harmonious, to have a more detailed philosophical explanation of determining what is due, and to provide a clearer guidance of how the Confucian harmony can be achieved and maintained "with creative tension" and "in a perpetual process of transformation and renewal". (Yu 2016, 419)

Importantly, while Jiyuan Yu argues for explicating the similarities between Confucian notions of harmony and Platonic ones, this really only serves to form the background of his larger point—namely, to develop a rational justification for harmony in the world in order to decide how to give each what is due "in a perpetual process of transformation and renewal" while at the same time maintaining "creative tension".<sup>12</sup>

Much of what Chenyang Li says about harmony is in line with Li Zehou's general take on the Chinese tradition. Chenyang Li hits on the major ideas Li Zehou signals as important, including downplaying the importance of reason, principles, and abstract notions of the self in favour of bringing emotions, particularistic-concerns, and a socially/community-constitutive view of the person. However,

11 The variance in translation of *ge de qi suo* 各得其所 follows Chenyang Li's own English renderings.

12 In the longer version of this essay Jiyuan Yu's arguments will be further examined.



Li Zehou would likely ask for a more robust notion of justice to ground harmony. His idea that “harmony is higher than justice” relies on a thickly construed and broadly encompassing notion of justice. Chenyang Li’s take on justice is thus too thin, and too simplistic, to achieve what Li Zehou has in mind. Moreover, throughout his monograph Chenyang Li clearly expresses the view that harmony is a much better way to organize society or develop morality. A superficial reading of Li Zehou’s “harmony is higher than justice” might come to the same conclusion, but Li Zehou is actually presenting a much more complex argument. Harmony being “higher” does not make it patently better. Justice is rather the foundation, a grounding that is absolutely essential and extremely difficult to achieve. It incorporates the notion of “order” Chenyang Li defines as “equity”—but appreciates how extremely difficult and complex bringing about this order can be. Li Zehou does not envision justice as limited to “equity” (各得其所) and his critique is far more penetrating.

Of all the scholars considered here, Jiyuan Yu’s take on the relationship between harmony and justice is perhaps the closest to Li Zehou’s. Yu’s suggestion that Chenyang Li provides a good starting point helps elucidate where more work needs to be done. Specifically, this means developing a “clearer guidance of how the Confucian harmony can be achieved and maintained ‘with creative tension’ and ‘in a perpetual process of transformation and renewal’”. To be fair, Li Zehou does not present a very clear understanding of either justice or harmony, and both are mentioned in rather broad strokes. Li Zehou’s discussion of their relationship is extremely typical for his works: he provides compelling outlines for framing how philosophical arguments and debates should take place. The precise content of discussions is not given by Li Zehou himself. Like Confucius, Mencius, Laozi, Zhuangzi, or other masters, Li Zehou offers space for readers to reflect. He constructs challenging avenues for thought. But he does not give answers, or pave the way. In line with Yu’s comments about Chenyang Li, we might find that Li Zehou’s thought can be developed into a more collaborative approach between the somewhat different trajectories of harmony and justice.

### **Collaboration, Mutually Informative, Mutually Corrective**

It is important to note that almost all of the scholars mentioned above express positive attitudes towards the prospect of a collaborative approach to the relationship between harmony and justice—they simply have not capitalized on it. Cline, for example, ends her project expressing an openness to, and even some engagement with, collaborative dialogue:

This is one area where the *Analects* can make a significant contribution to ongoing discussions in political philosophy, in ethics, and even ... in the area of public policy. Indeed, the potential for these kinds of contributions is one of any things that a comparative study of a sense of justice in Rawls and the *Analects* can help us to see. (Cline 2013, 272)

Although Cline repeatedly claims to be expounding the virtues of a comparative approach to justice, her hints at the back-and-forth contributions Rawls and the *Analects* can make to one another is clearly a demonstration of the possibility of collaboration.

Roger Ames approaches the issue more directly, arguing that justice may serve as a corrective for harmony. Justice should be used as not only a regulative for the construction of harmony, but that it may further regulate notions of harmony themselves. Ames writes,

While the familiar appeal to universals might suffer from the ambiguity of practical applications, the Confucian attempt to extend consideration to all involved is handicapped by the need for more abstract regulative ideals such as courage and justice that provide direction for what is a legitimate claim for consideration and inclusion. (Ames 2011, 268)

Here Ames gives justice a much more staunch role in moral and ethical consideration than Li Zehou—in fact we might venture to say that for Roger Ames “justice is higher than harmony”.<sup>13</sup> Justice may be useful as a foundation for harmony, as Li Zehou would have it, but it can also serve as a point of reference for making theoretical claims about, and actual implementation of, harmony.

Over the past few years Ames has increasingly turned to the work of Michael Sandel to bolster his claims about the importance of concrete particulars and sparing use of abstract principles. In essence, this is a move towards a collaborative dialogue between (the way many scholars have classified) Western theories of justice and Chinese notions of harmony. Truly, Sandel’s criticisms of Rawls’s theory of justice and his subsequent arguments about how to productively enrich notions of justice from the standpoint of encumberedness, provide a good starting point for collaboration with Chinese conceptions of harmony.

However, as Chenyang Li points out, Sandel does not often use the word “harmony” (Li Chenyang 2017). In fact, in his book *Liberalism and the Limits of Justice* (1982) “harmony” appears only once. This does not, however, mean that

13 As an anonymous reviewer of this paper accurately comments: “Tempting, yes, but surely that would be going too far. He simply acknowledges that justice can be useful as a regulative ideal.”

Sandel's approach lacks any appreciation for harmony—or, to use Cline's term, a "sense" of harmony. Sandel uses the family as an example of where we might find some of the "limits of justice", which, though he does not say it, might mark the realm of harmony:

Consider for example a more or less ideal family situation, where relations are governed in large part by spontaneous affection and where, in consequence, the circumstances of justice prevail to a relatively small degree. Individual rights and fair decision procedures are seldom invoked, not because injustice is rampant but because their appeal is pre-empted by a spirit of generosity in which I am rarely inclined to claim my fair share. Nor does this generosity necessarily imply that I receive out of kindness a share that is equal to or greater than the share I would be entitled to under fair principles of justice. I may get less. *The point is not that I get what I would otherwise get, only more spontaneously, but simply that the questions of what I get and what I am due do not loom large in the overall context of this way of life.* (Sandel 1982, 33; emphasis added)

Considered in the light of what Chenyang Li refers to as "deep harmony", Sandel is certainly promoting something extremely similar to a Chinese or Confucian notion of harmony. If we add to this Sandel's overwhelming emphasis on public discourse and public reason, it would not be hard to imagine a notion of justice that could include Chenyang Li's seven defining points of Confucian harmony (i.e. heterogeneity, tension, coordination and cooperation, transformation and growth, and renewal).

The challenge, therefore, is to think about how we might enlarge or broaden such an understanding to encompass other aspects of life (or how we already do without realizing it). If harmony cannot exist without order, it may be fair to say—in line with Li Zehou, and reflecting Plato's *Republic*<sup>14</sup>—that the real goal of justice is harmony. Creating a just society is one means for establishing harmony in society. So while focusing too narrowly on justice may lead to "dead pool" conformity or identity, and focusing too narrowly on harmony may breed corruption or unfairness. Through a collaborative dialogue we promote a more nuanced appreciation of the two, and their relationship with one another. Accordingly, we find that they actually have common goals and similar suggestions for how we conceive of ethics, morality, and order in individuals, social relationships, and political theories.

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14 We might even read Li Zehou's entire argument as a development of what Plato writes in the *Republic*.

## Conclusion

Li Zehou's study provides an excellent starting point for a serious consideration of collaboration between the Western emphasis on justice and the Chinese concentration on harmony. Li Zehou argues that harmony "involves transforming the people through virtue (education), whereas justice involves governing by law", and believes that both are needed (Li Zehou 2016, 1093). Harmony itself rests on a strong foundation of *guanxi*-ism, proper measure, and emotions (as substance), that can only be secured once justice is firmly in place—"justice is higher than harmony". For Li Zehou this claim reflects an actual hierarchy (*ibid.*, 1098). He maintains that harmony is higher than justice, because justice is "primarily a rational principle (*li* 理), whereas harmony involves the integration of emotionality and rationality (*qing-li* 情理) (*ibid.*, 1069). The broader inclusiveness of harmony means that it represents a "higher" ethical understanding, albeit one that should be constructed on "just" foundations. Harmony can thus contribute to "checking" justice (and *vice-versa*):

Li thus argues that public reason and modern social morals (especially liberal notions such as human rights and justice) are essential to society, but sees their outlook of individualistic equality, abstract principles, and value neutrality as needing to be supplemented and regulated by traditional religious morals. This involves proper measure (*du* 度) and flexibility (*quan* 權). (D'Ambrosio, Carleo, and Lambert 2016, 1066)

Read in concert with Sandel's similar criticisms of overly abstract theories of justice, and his alternatives, Li Zehou's view can certainly be developed away from a strict hierarchy, including any logical or practical priority contained therein. What both Sandel and Li Zehou are moving towards is an ethical and/or moral understanding that is neither overly theoretical nor unreflective. An approach where reason and emotions inform one another, where abstract ideals and implementation are balanced. Much of what this entails is already included in Li Zehou's own thought, but deserves to be fleshed out into a full-fledged collaborative project.

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