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## Comparative Study of Chinese Justice and Western Justice

Justice is the primary virtue of a social system just as the truth is the primary virtue of an ideological system. The concept of justice has marked the origin of morality in the development of both the Eastern and Western culture, and contains a common basic spirit.

If we retrace the development of the Western concept of justice (started by Plato and Aristotle), we will find the idea of morality derived from Christianity being introduced at the beginning of the Middle Ages, and with concepts of natural law from the Enlightenment era mixed with socialist ideological factors, the concept of justice integrated with liberalistic ideals. Since ancient times, the word justice has maintained basic semantics such as integrity, impartiality, and fairness. In fact, Plato was the first one to discuss justice in a systematic approach. He interpreted the concept of justice as "Carrying out one's duty to one's station." This interpretation also became the origins and theory of justice. Plato thinks that justice is a state of morality and not a guideline on being moral. In this theory, each individual performing his own duty reflects a harmonious order of life with justice as the prerequisite for its maintenance. Plato's disciple Aristotle had a different point of view on justice. He philosophized that justice is the need to safeguard common interests and personal interests. So he made discrimination between Universal Justice and Particular Justice<sup>1</sup>.

Aristotle described Universal justice as lawfulness, therefore "[the] just, then, is the lawful and the fair, the unjust the unlawful and the unfair." Meanwhile, he thought that justice also means one should not obtain more than one deserves. For others, the distribution should also be assigned with its due part, a fare

<sup>1</sup> Reference: <http://www.sacred-texts.com/cla/ari/nico/nico044.htm>, 译注。



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"proportion of equity." He regarded justice as "the most perfect virtue" and "the confluence of all virtue."

Augustine is representative of medieval Europe. He believed that true justice could not be found in the secular community, because "justice is an eternal standard, which exists prior to the country", and state law must be consistent with justice and natural law. The main relationship is not just the relationship between people, but the relationship between man and God, which is the representative theory of the theology of justice.

The Classical Natural Law School appeared in the West. The school defined freedom, equality, and fraternity as the primary values of justice. One of their representatives, Hobbs, first mentioned justice based on man's interests and security. In order to obtain personal safety, people have to transfer some rights, to make contracts with each other and then to establish the State and to develop communities, which is where justice and fairness take place. With the revival of the Western natural law school, a new school of natural law came into being. American political philosopher John Rawls once gave the most systematic and most reasonable analysis of the theory of justice, which is known as the leading figure in the theory of justice. He believes that the goal of justice is to achieve the rational allocation of the burden and benefits derived from cooperation by establishing the basic structure of society and arranging the basic rights and obligations of citizens.

In China's traditional culture, especially Confucianism, the core concept of justice is "Yi" or righteousness. In the Book of Rites the Doctrine of the Golden Mean, the quote "ren zhe ren ye, yi zhe yi ye," which means "benevolence is the characteristic element of humanity; Righteousness is the accordance of actions with what is right." These are direct explanations extracted from early literature. In the Chinese traditional culture,



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"Yi" is mostly interpreted as "reasonable" and almost exactly the same with "Shan." In history, both Confucianism and Mohism gave high value to "Yi", but they had different views on the specific constitution of each. Confucius thought that righteousness can reflect all the requirements of morality and regarded "Yi" as the highest state of morality. Mencius, the founder of Mohism, developed on Confucius's ideas and stated that the source of "Yi" is people's "sense of shame" and thus presented an innate human nature basis for "Yi". Mohist, a pupil of Mohism, thought that wealth, fame and status should be balanced with the pursuit to be righteous. Mohist emphasized that "Yi" should not only be something one says but rather something one must personally practice. Regardless of social status, all people should strive towards righteousness. The Chinese traditional concept of justice has not yet left the central theme in "the debate of Righteousness", however, eventually Dong Zhongshu's development of the Confucian Ideas of Justice became the orthodox. Dong believes that benevolence and righteousness are two areas of applied ethics and roles of different objects.

Moral values are put into the meanings of justice both in the Eastern and Western cultures and they share a common basic spirit. However, due to the differences of Eastern and Western culture, the development of the concept of justice displays a difference in certain characteristics. If you compare the two, you will find that in traditional Chinese culture, justice is a more comprehensive concept. In the Western thought, justice combined with the knowledge of the law together early in its development and earlier has some more clear analysis of the meaning. These meanings can be clarified with the help of philosophical analysis. Justice plays an important role in Western philosophical, political and legal ideology. To some extent, the Western concept of justice shapes their political and legal system.