# CONNECTING HARMONY AND JUSTICE: LESSONS FROM FEMINIST PHILOSOPHY

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*Abstract: Recent years have shown a rise of English-language scholarship exploring the relation between the Chinese concept of harmony and the Western concept of justice. This paper reconstructs the influential contemporary views on this relation advanced by Li Chenyang and Li Zehou and critically analyzes the implications of their proposal to understand harmony and justice as compatible or even mutually enhancing concepts. The paper tries to show that there are important normative—feminist—reasons against assuming all-too quickly that harmony and justice are compatible. Justice may have to be rigorously revised if it is to be compatible with harmony because justice, at least in its Rawlsian appearance, is dependent on a problematic public/private split as well as presupposes a form of interpretation and judgment that differs fundamentally from that which harmony advances. The paper proposes an intellectual partnership between contemporary Confucianism and feminist political theory and ethics of care for the purposes of rethinking justice such that it incorporates profound commitments to diversity and care.*

## Introduction

Recent years have shown a rise of English-language scholarship exploring the relation between the Chinese concept of harmony and the Western concept of justice. This is a promising development. Harmony and justice are both hugely influential but contested concepts, and an open dialogue on their possible interrelations has the potential to enhance our understanding of both. And it also has the potential to enhance our understanding of the relation between Chinese and Western worldviews more broadly. Over the centuries, harmony has sunk deep roots in the way in which Chinese intellectual traditions view the world and humanity's place therein; in the West, justice has come to play a similarly crucial role in interpretation and normative reasoning. As such, understanding the relation between the concepts of harmony and justice may help us gain a firmer grasp on the similarities and differences in the ways in which Chinese and Western traditions think about what it means to live a good life, how human beings should treat each other, which social and political institutions are essential and which are unacceptable. If we become able to establish meaningful connections between harmony and justice, in other words, this may help us to build new bridges between Chinese and Western worldviews—and considering the growing tensions between China and the West in the arena of global politics, this is no unnecessary luxury.

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This paper attempts to contribute to the latter aim by examining possible ways in which the Confucian perspective on Chinese harmony—on the contemporary rereadings of the classical notion by Li Zehou and Li Chenyang—can be connected to the Western notion of justice as it has been developed in the Rawlsian tradition.[1] I discuss key features of Li Chenyang and Li Zehou's positions, who both emphasize that harmony as a model for interpretation and normative reasoning highlights *diversity* over equality and *care* over impartiality. Although this indicates that harmony has a different orientation than justice, both Li Chenyang and Li Zehou stress that the two can not only be compatible but potentially also be mutually enhancing. This leaves, I suggest, two ways for fleshing out the connection between harmony and justice in more detail. The first considers harmony and justice as *complementary* in the sense that each model governs its own domain, the second stresses that embracing harmony requires a *critical revision* of justice and its conceptual network before the two can be meaningfully connected. I consider objections against the justice model as these were forcefully developed by feminist philosophers, and argue that these form important reasons against all-too easily assuming that harmony and justice are complementary. I conclude by mapping out some preliminary ideas on what such critical revision of justice could entail and how harmony as a hermeneutic and normative model could be considered to address problems regarding social inequity and redress.

## I. The Confucian Conception of Harmony

Harmony (*he* 和) in Chinese philosophy does not only pertain to social relations. It is a structuring concept that has a much wider hermeneutic and normative role. Harmony, notably, also provides a lens through which to interpret and judge personal well-being and self-cultivation[2] as well as humanity's role in and responsibility

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[1] It should be emphasized that neither in the Chinese nor in the Western philosophical tradition there is such a thing as *the* notion of harmony or *the* notion of justice. A large variety of conceptions of harmony can be found in Chinese philosophy and its history, and the same thing holds for conceptions of justice in Western thought. Indeed, harmony has also appeared in the intellectual culture of the West, and many hold that the same can be said about considerations of justice in China. So what I do here is analyze *a* Chinese concept of harmony and its connection to *a* Western view on justice. The reason why I focus on the Confucian and Rawlsian traditions is that these developed models for thinking about respectively harmony and justice that have exerted tremendous influence on philosophical discourse on ethics and politics in Chinese and Western academia and beyond.

[2] Are our body and mind in balance? Do we maintain a good flow of energy (*qi* 氣)? See (C. Li 2014, 89–101) for a more detailed discussion.

towards our natural surroundings.[3] But since it is harmony's potential connections to justice that I am concerned with here, I will restrict my focus to harmony in its social meaning: to harmony as a concept that can be used to understand and evaluate social relations, interactions, and institutions. What is striking about the Confucian view of harmony, so conceived, is that it does not primarily contrast harmony with discord or disagreement: it contrasts harmony with agreement or *conformity* (*tong* 同). Confucius himself explicitly stated that the person of virtue seeks "harmony but not mere agreement" (*he er bu tong* 和而不同). (Confucius 2003, sec. 13:23) The famous dialogue between the Duke of Qi and his prime minister Yanzi in the commentary by Zuo on the *Spring and Autumn Annals* elaborates this further:

> The duke said, "Only Ju is in harmony (*he* 和) with me". Yanzi replied, "Ju is in complete agreement *(tong* 同) with you. How can he be in harmony with you?" The duke said, "Are harmony and complete agreement [conformity] different?" Yanzi replied, "Different indeed! Harmony is like making soup. Water, fire, vinegar, minced meat, salt, and plum are used to cook the fish and meat. These are heated using firewood and brought into harmony by the chef, who uses the different flavours to achieve a balance, providing what is deficient and releasing what is excessive. The gentleman eats the soup, and it will calm and settle his mind. The relation between a ruler and his minister is the same. When the ruler's judgment is basically right, there may still be some reasons for opposing it. The minister offers the opposing reasons, in order to complete the rightness of the ruler. When the ruler's judgment is basically wrong, there may be reasons for his thinking so. The minister offers the reasons for thinking so, in order to reject the ruler's wrong judgment. In this way the governance is balanced and there is no dispute, and the people have no intention to strife. … What Ju is doing is nothing like this. What you find acceptable, Ju also says to be acceptable. What you find unacceptable, Ju also says to be unacceptable. This is like adding more water to water. Who can eat that kind of food? … This is why complete agreement is unacceptable". (Yu 2010, 17)

Confucian harmony, it is here explained, describes a balance between different elements that is obtained—*not* insofar as these elements conform to each other, but insofar as they connect as different or heterogeneous forces. Considered in its social capacity, Confucian harmony thus in its very core asks us to interpret and judge social relations, interactions, and institutions on the basis of whether they respect, establish, or enhance a form of *unity in plurality*. Developing harmony so conceived into a full-blown model for interpretation and normative reasoning goes beyond the scope of this paper[4]; I will here focus on two key commitments that—if we take our cue from Li

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[3] Are we at home in our natural surroundings? Do we treat the natural world in accordance with the responsibility that comes with our capacity to transform it? See (C. Li 2014, 148–66) for a more detailed discussion.

[4] And unfortunately, so does the elaborating the necessary and sufficient conditions for something x to count as a "full-blown model for interpretation and normative reasoning". Let

Zehou and Li Chenyang[5]—any viable contemporary reading of Confucian harmony must uphold.

The first concerns a commitment to *diversity*. When we consider a given social setting through the lens of Confucian harmony, we are asked to focus especially on what differentiates the persons involved and what distinguishes the particular circumstances in which their thoughts and actions are embedded. Li Zehou argues: "Everyone is different—people have unique talents, abilities, characters, personal histories, and educations—which means that they are not equal… We cannot approach issues of justice or moral duty through abstract conceptions of equality. The world is principally characterized by diverse integration and endless variety rather than equality" (Z. Li 2016, 1090). Li Chenyang likewise highlights diversity and argues that harmony asks us to consider situations from the presumption that people are not uniform but possess varied dispositions, and that it is furthermore this variety and differentiation that makes social harmony possible in the first place (C. Li 2014, 9; 66–67). Both Li Zehou and Li Chenyang hold, therein, that when we approach social situations through the lens of harmony we do not model the persons involved as equal players, nor do we reconstruct the situations on the basis of the generic features that they share with others of their kind. On the contrary, when we approach a social situation through the lens of harmony we are asked to focus on what distinguishes it: on what is particular and unique about the persons involved as well as the historical circumstances in which their views and actions materialize. Although Confucianism here shows overlap with some forms of casuistry, we should not take the tradition to advance a radical form of particularism (cf. Dancy 2004). When Confucian harmony asks us to take into account the particularity of persons and the circumstances in which they operate, rather, it asks us to consider the persons involved in light of the social *roles* that they enact [6] and the *social relations, practices, rituals, and*

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me heuristically define the latter as a framework in which a variety of considerations, judgments, feelings are brought together and structured around certain key concepts or commitments, which can be used as a lens through which we may interpret and understand concrete social situations as well as subject the latter to normative reasoning and judgment. Ethical theories could be considered attempts to explicitly construe such models, but many of us also use such models (albeit possibly implicitly) in our everyday hermeneutic and normative activities—in this regard I understand models for interpretation and normative reasoning in line with what Li Chenyang describes as "configured perspectives" (C. Li 2016), what John Rawls calls a "scheme" or "coherent view" (Rawls 1999), but also what Carol Gilligan denotes when she speaks of a "voice" (Gilligan 2003).

[5] I do not mean to suggest that Li Zehou and Li Chenyang develop identical perspectives on harmony, let alone that their broader philosophical outlooks are the same. My claim is that there is convergence between their perspectives on harmony insofar as they both emphasize that the latter centrally involves commitments to i) diversity and ii) care.

[6] Some have even argued that Confucianism considers human beings as the "aggregate sum of the roles that they live" (Rosemont 2015, 94), which implies that the tradition leaves no room for an "I" that is distinguished from the roles that she plays (daughter, partner, teacher, student, friend…). This radical claim may be taking the Confucian emphasis on roles a bit too far—as it

*institutions* (the *li* 禮[7]) in which these are embedded. If we were, for example, to use the concept of Confucian harmony to interpret the tragic story of Antigone, then we would *not*—like we would through the lens of some deontological and utilitarian theories—try to model Antigone, Creon, Ismene, and the other characters as equal agents and abstract away from the "contingent circumstances" of the social world in which they live. From the viewpoint of harmony, rather, we would try to get into view the particular and unique features that differentiate the tragic characters involved— precisely what makes them *un*equal—as well as the social relations, practices, and institutions that inform their thoughts and actions. To properly interpret and evaluate the situation we need to understand the roles that these characters embrace: we need to know that Antigone is a woman, a sister, a citizen, and someone with an immovable faith in the gods (or in the doctrine of love that they represent)—and the same holds for the roles of Creon, Ismene, Haemon and all other characters involved. Similarly, we need to understand the social relations, the practices, and the institutions that form the background against which the story is played out: we need to understand that it was Antigone's brother whose corpse she was ordered to leave out for the vultures, that it was held that certain burial rituals must be performed for souls to travel safely to the underworld, that the King makes the law, and that citizens (especially female ones) lack the procedural possibility to challenge the fairness of legal institutions—from the Confucian point of view, circumstances are anything but contingent. When we thus consider the *Antigone* (or any other social setting) through the lens of harmony, we are asked to highlight what differentiates the persons involved and what distinguishes the particular circumstances in which their thoughts and actions are embedded. This does not mean that Confucianism therewith advances a radical form of particularism, but it does mean that it stresses that we must resist the tendency to abstract and equalize: that we must resist the tendency to model persons as equal agents and the tendency to represent social situations as instantiations of a general kind. To adequately interpret and normatively judge any given social setting, Confucianism holds, we must understand and judge *this* person in *these* social roles as

seems necessary to presuppose at least *some* reflexive distance between subject and role for it to appear as normatively significant that a subject wholeheartedly embraces her role, and to account for the possibility that she forsakes it (see (Hollis 1985; Düring 2018, 47)—but it is unmistakable that the Confucian tradition emphasizes the importance of foregrounding persons' social roles in the interpretation and judgment of social settings.

[7] The latter, in Confucian terminology, denotes the rites and rituals, customs and mores that (tacitly or explicitly) govern people's behavior. "These customs and mores are the habits, everyday practices, conventions, rules, standards and procedures generated through the circumstances, emotions, and desires of specific actual life—that is, ritual". (Z. Li 2016, 1077; see also Fingarette 1972, 1–18; Fan Ruiping 2010, 165–88) The *li*, thus, inspire and regulate human behaviour in all of its social nooks and crannies: from outspokenly ritualized events such as state banquets or formal dinners to greeting an old school teacher on the street or having dinner with your parents-in-law—all of these settings are guided by *li*. For a more detailed discussion of the relation between *li* and harmony, see (C. Li 2014, 57–70).

well as *those* social relations, practices, rituals, and institutions that characterize the lifeworld in which the stories of her life are written.

The second commitment that a contemporary reading of Confucian harmony—following Li Zehou and Li Chenyang—must uphold concerns a commitment to *care.* When we consider a given social setting through the lens of Confucian harmony, we are asked to focus especially on the emotional attitudes of care that characterize the relationships of the persons involved (or are painfully absent therein) as well as the extent to which the relevant social institutions respect and encourage (or rather undermine) such caring relationships. When asked by a disciple what goodness entails, Confucius answered "to care for [*ai* 爱] others" (Confucius 2003, sec. 12:22); and Mencius, the second central figure in classical Confucianism, likewise equated humaneness with caring for people[8] (Mencius 2009, secs. 2A6; 4B:28). Based on these and other passages in the classical Confucian texts, Li Chenyang argues that we should thus understand Confucianism as an ethic that emphasizes care over impartiality. On all levels of normative reasoning and judgment—whether it concerns the virtuous character of individual persons, the way in which they act towards their social peers, or the rules and regulations as these are developed in the upper echelons of politics—the Confucian approach highlights that what matters is whether people *care* about those who are affected by their decisions, and whether their social institutions establish and enhance caring relationships in turn (C. Li 2000). Li Zehou's "*guanxi*-ism", which proposes to consider situations first and foremost in terms of human relationships, has a similar orientation.[9] When we approach social settings through the lens of Confucian harmony, Li argues, we should not try to frame these situations in impartial terms. On the contrary, we should try to understand people's emotions—their "psychological reactions of interrelatedness with other people and things" (Z. Li 2016, 1080)—as these motivate and shape their thoughts and actions. And this also holds when we want to interpret and judge our own behaviour: what we should focus on is *not* primarily whether we act rightly on the basis of some impartial standard of measure, but whether we act out of *care* for the people involved and for the way in which our actions impact on them. This indicates that harmony implies a graded form of care. The classical Confucians disagreed with the Mohists that there

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[8] Humaneness or benevolence (*ren* 仁) is often considered the most fundamental moral virtue in Confucianism. The character 仁 is a conjunction of the descriptive words for "person" (人) and "two" (二) and thus means something like 'human-to-humanness'. (Hall and Ames 1987, 113–14; Wong 2007, 332) On possible ways of understanding the relationship between humaneness and harmony see (C. Li 2014, 18–21)

[9] *Guanxi*-ism revolves around *guanxi* (关系), meaning "relationships" or relationality. Like Li Chenyang describes his contemporary reading of Confucianism as an *ethics of care*, Li Zehou describes his view on the latter as an *ethics of guanxi*—that is, as an ethics of human relationality. (Z. Li 1999, 181–82; 2016, 180)

can be such a thing a "universal love" [10] and emphasized that the kinds of care that one should feel and act on are differentiated; that the way one cares about a father, a partner, or a friend is dissimilar to the way one cares about a stranger. This is more than an empirical or descriptive statement. Confucianism holds that it is of *normative importance* that people care with gradations. It is a matter of duty and virtue to care more about one's family and friends than about strangers; impartial care, insofar as it is at all practicable, would be indicative of a form of moral failure on the Confucian view. This of course does not mean that one should not care for strangers—on the contrary, one should try to extend one's emotions of care and interrelatedness from those who are close to us to those that live outside our web of immediate relationships. Indeed, this is a basic element of how Confucianism sees moral self-cultivation (Tao 2000, 222–27). But it does mean that when faced with tragic situations, situations in which every possible course of action harms a human being or violates a social institution, we should feel motivated as well as justified to prioritize those who we care for over those towards whom we are not immediately emotionally related (C. Li 2000; 2016). Or in the words of Li Zehou: "humans are existences of relationality. That people are raised and cared for by their families and communities leaves them with duties and responsibilities to this relationality and even their "kind" (humankind). People do not belong to themselves alone" (Z. Li 2016, 1131).

If we were now to return to our tragic heroine and use the concept of harmony with its emphasis on care to further interpret and judge the story, we would thus *not* represent the persons involved as "impartial spectators" or "ideal observers" to subsequently ask what they would do insofar as they are uncoloured by emotions and personal biases.

When we consider Antigone through the lens of Confucian harmony, rather, we focus precisely on the emotional attitudes of care that the characters have (or should have) towards each other, as well as the extent to which their social institutions respect and encourage (or rather undermine) such caring relationships. To adequately interpret and evaluate the situation we need to understand and judge *who cares*: we need to take into account Antigone's love for her brother, to what extent she endorsed this love as having normative priority, we need to know what Creon cared about—respect for the law or lust for power?—and we need to assess the substance and moral quality of the laws that he put in place. This does not mean that it is proposed to merely *describe* the situation. Indeed, it means that Confucianism stresses that—when it comes to social situations at least—there is no such thing as "pure description": at all *understanding* social situations always requires us to take into account a variety of hermeneutic and normative dimensions. It is precisely for this reason that we should not pretend to have the ability to judge such situations on the basis of some impartial principle or standard, and that we should resist the tendency to model these after the

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[10] Mohism was another school of thought in ancient China, and has become known especially for its doctrine of universal love: its conviction that one should love or care for everyone impartially.

question what "objective", unbiased observers would do. To adequately interpret and normatively judge the Antigone (or any other social setting), Confucianism holds, we must understand the emotional attitudes of care as these characterize the relationships of the persons involved, and evaluate and judge to what extent these attitudes, as well as the social institutions that enable and encourage them, are appropriate, sufficient, required—or rather unacceptable because they inspire *harm* rather than care.

If we follow Li Chenyang and Li Zehou's line of thinking, thus, any viable model for interpretation and normative reasoning that is structured around Confucian harmony must uphold two commitments: it must be committed to highlighting diversity over equality and care over impartiality. More concretely we have seen that this means that Confucianism holds that in order to adequately interpret and judge a given social setting, we must i) consider persons in the particular social roles that they embrace as well as in the specific social relations, practices, rituals, and institutions in which these are embedded, and ii) consider the emotional attitudes of care in their personal relationships as well as to what extent these attitudes and the social institutions with which these are entwined are morally commendable. These two are naturally connected. We care for others in the different roles through which they appear to us (as parent, partner, friend, teacher); our social relationships, practices, rituals, and institutions are "sedimentations" of the various emotional attitudes of care that we had, have, and think we should have towards others. Indeed, we may interpret and judge the kind and the measure of care that we feel and think we should act upon through recourse to roles and relationships, practices, rituals, and institutions: between parents and children certain forms and measures of care are appropriate and even morally required, between professors and students certain forms and measures of care are morally inappropriate and (in decent universities, at least) also institutionally prohibited. But conversely, we may also interpret and judge existing roles as well as relationships, practices, rituals, and social institutions on the basis of whether they respect, establish, or encourage caring relationships between people: the latter standard may give us reason to prevent people from entering into disempowering roles such as that of the slave or the concubine, and it likewise may give us reason to install social institutions like universal health coverage so that all citizens are cared for in the case they need medical aid. Much more can (and should) be said about this, but let it for now suffice to note that the commitments to diversity and care bear intimate connections, and that understanding and judging human relations and social institutions through the lens of Confucian harmony asks us to bring into view the distinctive and possibly complex interplay between the two—and so to interpret social situations in terms of how differentiated people are brought together by care, in terms of how they can form a unity in diversity. But this seems, at least at first glance, to imply that Confucian harmony advances a model for interpretation and normative reasoning that substantially diverges from the Western model of justice.

### II. Harmony and Justice: Complementary or Contending Frames?

Interestingly, both Li Zehou and Li Chenyang explicitly claim that their harmony model is compatible with commitments to justice and related concepts. "A

harmonious society is a just society" Li Chenyang states (C. Li 2014, 120), and he proceeds to argue that although harmony does not *emphasize* equality and impartiality it does *presuppose* some form of equality and impartiality—where the latter comes more specifically in the form of equity or "giving each his due" (C. Li 2014, 69; 120–24). And Li Zehou makes a similar point when he explains why he believes that "harmony is higher than justice":

> When I claim "harmony is higher than justice", it is because I believe harmony between people, harmony between mind and body, and harmony between humans and nature … is the highest level of maintaining the continuous extension of human existence as well as the most fundamental "common good" and "good life". This is higher than, *though not a replacement for*, fair and reasonable notions of justice and their distinction from right and wrong. It is a notion of harmony that is built upon justice… (Z. Li 2016, 1093 my italics, DKD)

Both Li Chenyang and Li Zehou thus seem to consider the model for interpretation and normative reasoning structured around Confucian harmony to be compatible with notions of justice in the sense that the former *presupposes*—"is built upon"—the latter. Harmony should not be taken to replace justice; commitments to unity in plurality, to diversity, to care should not be taken as substitutes for justice, equality, and impartiality. Rather, justice and the hermeneutic and normative concepts that come hand in hand with it—"freedom, equality, independence, human rights, and democracy" (Z. Li 2016, 1130)— are supposedly compatible with harmony and its commitments. Indeed, when justice and harmony are adequately and coherently connected, it is suggested, they could even be mutually enhancing: they could bring together the various concepts, considerations, judgments, and feelings into a whole that is greater than the sum of its parts (C. Li 2019).

The question remains *how*: how should we understand the connection between harmony and justice to work exactly? How can the harmony model be connected to justice and related concepts so that the two are compatible, and potentially even mutually enhancing? I will here discuss two possible ways of developing the connection, but before I do so it is necessary to say a bit more about the Rawlsian concept of justice[11]—which seems to be what Li Zehou and Li Chenyang have in mind when they discuss the relation of the Western concept of justice to Confucian harmony, and which I thus here take to be a key representative for understanding justice in contemporary Western thought.

The famous first section of John Rawls' *Justice as Fairness* reads: "Justice is the first virtue of social institutions, as truth is of systems of thought. A theory however

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[11] Entire discourses have centered on the Rawlsian notion of justice, and I in no sense purport to add to the intricate and fine-grained interpretations in these fields. My aim here is merely to explicate some of the key features of the concept of justice as developed by in the Rawlsian tradition for the sake of further exploring ways of understanding the connection between justice and Confucian harmony in its contemporary rereadings by the professors Li.

elegant and economical must be rejected or revised if it is untrue; likewise laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust" (Rawls 1999, 3). This is important for our purposes insofar as Rawls is thus first and foremost concerned with *laws and institutions*. Indeed: he is foremost concerned with *formal* laws and institutions: with the codified rules that govern citizens' patterns of behaviour, and the organs and associations that contribute to the administration of those rules. Rawls calls this the "basic structure of society" or its "major social institutions", by which he understands:

> [T]he political constitution and the principal economic and social arrangements. Thus the legal protection of freedom of thought and liberty of conscience, competitive markets, private property in the means of production, and the monogamous family are examples of major social institutions. Taken together as one scheme, the major institutions define men's rights and influence their life prospects, what they can expect to be and how well they can expect to do. (Rawls 1999, 6–7)

Rawls' starting observation here is that there are deep inequalities contained and preserved in this basic structure: some people are born rich and others poor, some acquire a good education and others do not, some are born talented and others lack what society judges to be qualities that allow one to get ahead in life. Given that these inequalities are *unmerited*, Rawls argues, societies need to redress these if they are to be just. The Rawlsian concept of justice is thus oriented towards the redressing of inequalities contained and perpetuated in the basic structure, the basic social institutions of societies. And Rawls' famous theory of justice as fairness constitutes his proposal to provide just that: to provide a hermeneutic and normative model that can serve as a guideline for thinking about such redressing—to the extent that we consider the issue from a modern constitutional democracy, that is. (Rawls 1985) For our purposes, two further aspects of his proposal are relevant. One is that Rawls, reasoning from a tradition that can broadly be described as (Kantian) constructivism, presumes that the kind of guidelines that we need in order to think about redressing inequalities are *principles*: general rules of thought and judgment that address persons in virtue of their nature as free and equal, independent rational beings[12] (Rawls 1999, 222). The other is that Rawls presumes that the way in which we can arrive at such principles—principles of justice—is by adopting a point of view in which we *abstract away* from all the contingencies of the social world as well as the particular position that we ourselves happen to adopt therein, so that we become enabled to interpret and evaluate these (and competing) principles of justice impartially and reach a so-called

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[12] These principles, then, subsequently state that i) all citizens have an equal right to basic freedoms, and ii) that social and economic inequalities must be arranged so that they are a) reasonably expected to be to everyone's advantage and b) attached to offices and positions open to all. (Rawls 1999, 53) These are stated in normative order, so the first principle takes normative priority over the second. Rawls later changes the order of 2a and 2b.

"overlapping consensus": a consensus on what a fair organization of the basic structure of society amounts to that persons holding opposing religious, philosophical, and moral doctrines can endorse[13] (Rawls 1985, 227; 246–48; 1987).

If we were now to link this back to the supposition that Confucian model of harmony is compatible with justice and its conceptual network, then two main ways of understanding their interrelation present themselves.[14] The first considers harmony and justice to offer *complementary* hermeneutic and normative frameworks in the sense that these are taken to apply to different domains of human life. On such a reading, the justice model would be held to provide a framework for interpretation and normative reasoning concerning the basic structure of society or its major social institutions, whereas the harmony model could be seen to pertain to the ulterior realms of human life: to personal virtues and emotional attitudes, interpersonal relationships, and social institutions insofar as these concern informal rites, practices, and roles. This would thus presuppose a distinction between the public and the private sphere. The public sphere, on this view, constitutes the sphere of politics and of justice: the sphere in which human beings address each other as citizens—as free and equal, independent and rational beings—and together deliberate and decide on the organization of basic social institutions, where such deliberation is to be guided by general principles whose formulation and evaluation should be conducted by abstracting away as much as possible from the contingency of circumstance. The private sphere, on the other hand, is the sphere of the home, of family, of personal relationships, and of harmony: the sphere in which human beings address each other as the particular and unique agents that they are in the different roles through which they appear to each other, and where the emotional attitudes of care that characterize their relationships as well as the informal institutions that (should) enable and encourage these are given hermeneutic and normative priority. This understanding of the relation between harmony and justice considers the two as compatible and potentially mutually enhancing, thus, in that the two govern distinct but complementary domains of human life. And this seems in line with Rawls' understanding of the scope of his own project[15], and at first glance with Li Zehou's "harmony is higher than justice" adage as well.[16]

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[13] This point of view, then, is the famous Original Position: a device of representation that helps us think about the fair organization of major social institutions as if we were deprived of the knowledge that enables us to choose "heterogeneous principles" (Rawls 1999, 222)—as if we were to consider the matter from behind a "veil of ignorance". (Rawls 1985, 234–39; 1999, 102–68)

[14] I do not mean to suggest that these are the *only* ways of understanding the connection between harmony and justice. It does, however, seem to me that these are the two main lines of conceiving the connection if we build further upon the harmony model as developed by Li Zehou and Li Chenyang.

[15] As Rawls argues, "justice [the right] draws the limit, the good shows the point. Thus the right and the good are complementary, and the priority of right does not deny this. Its general meaning is that although to be acceptable a political conception of justice must leave adequate

The second possible way of understanding the connection between harmony and justice—insofar as we thus suppose that the two are compatible of even mutually enhancing—stresses that embracing Confucian harmony requires a *critical revision* of the way we understand justice and related concepts before the two can be meaningfully connected. On such a reading, Confucian harmony and Rawlsian justice are thus not held to be compatible (let alone mutually enhancing) *as it stands*, but are thought to possibly be *made* compatible when the conceptual framework of justice is reinterpreted and integrated within the larger hermeneutic and normative model of harmony. Li Chenyang outspokenly advocates something along these lines, and says:

> From the Confucian point of view, the question of [justice] cannot be addressed adequately on mere principles. What is one's due is always a *contextual* matter and is determined within the harmonizing process of the world. Therefore, we have to consider these questions in the larger context of harmony—the harmony between persons, between social groups, or between humans and the natural world. (C. Li 2014, 123, my italics, DKD)

And although (as mentioned above) there are certain tenets in Li Zehou's thought that suggest otherwise, I think he ultimately agrees with Li Chenyang here. Also Li Zehou holds that "cases have to be considered and analyzed according to their concrete historical contexts, and cannot be judged abstractly" (Z. Li 2016, 1083; 89). Indeed, he elaborates, even questions regarding extreme cases such as whether the bombings of Hiroshima and Nagasaki were justified cannot be resolved by relying on abstract principles of justice, and will be dealt differently in different countries, times, and circumstances—they *can* only be adequately dealt with when situated in the particular historical contexts in which they arise (Z. Li 2016, 1083; see also Wang 2020, 119). This reading, then, does not accept that justice and harmony can be considered as models that govern their own domain: it holds that the concept of justice, at least in its Rawlsian form, is lacking to the extent that it should not be used as a lens for interpreting and judging human relations and social institutions at all—not even insofar as the "basic structure of society" is concerned. For the concept of justice to gain adequate hermeneutic and normative prowess, rather, it is held that it must be *integrated* in the broader framework that is structured around harmony—which is

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room for forms of life that citizens can confirm, the ideas of the good [thus of harmony] must fit within the limits drawn—the space allowed—by that political conception [of justice] itself. (Rawls 1988, 252)

[16] As Li Zehou exclaims in discussing contemporary China: "We can only discuss rule by people once we have rule by law and rule of law; we can only discuss harmony once we have justice. Today we have yet to realize rule by law and rule of law and justice, and thus it is risky to push for rule by people and harmony". (Z. Li 2016, 1100) Cf. also Wang Keping: "[On the view of Li Zehou] justice is to be taken up as the first priority to secure social order, and harmony is to be pursued afterwards as a *promis-de-bonheur* for the future of human society and the world alike". (Wang 2020, 105)

thus a framework that considers persons in their particular social roles and relations as well as the practices, rituals, and institutions in which these are embedded, and emphasizes the emotional attitudes of care in the personal relationships involved. And although this second understanding of the relation between harmony and justice thus seems keen to uphold a commitment to the latter—as we have seen, both Li Chenyang and Li Zehou claim that harmony *presupposes* justice—it is critical of justice in its Rawlsian appearance and underlines that the concept of justice as it is often construed in Western philosophy is in need of critical revision before it can be responsibly deployed as a foundation upon which to build the more comprehensive framework of harmony.

Now, this has of course merely sketched the contours of these two perspectives on the connection between justice and harmony, but this brief discussion has nonetheless made clear that the two constitute radically different views on the compatibility of Confucian harmony and justice in its Rawlsian appearance. The difference is radical because these views adopt fundamentally different positions both on the way we should understand the general organization of society and the way in which we should interpret and judge particular social relations, interactions, and institutions. Whereas the view that holds harmony and justice to provide complementary models considers society to be normatively constituted by different spheres and holds that the manner in which concrete social situations should be judged—i.e. on the basis of general principles and abstracted representations of the persons involved or through recourse to the concrete roles that they embrace and the relationships of care in which these are embedded—depends on whether these belong to the public or the private sphere, the view that stresses that embracing harmony requires a critical revision of justice does not accept such a split but stresses that insofar as human relations and social institutions are concerned *all* interpretation and normative reasoning and judgment should be guided first and foremost by a concern for what differentiates or uniquely characterizes the perspectives of human beings and to what extent they are appropriately cared for in their social lifeworlds. And that constitutes a radically different ethical and political orientation indeed.

The question then becomes: which perspective should we embrace? Should we consider harmony and justice as complementary models, or should we follow Li Zehou and Li Chenyang and proceed under the assumption that although harmony in some regard requires justice the latter must be critically revised in order to be coherently integrated in the broader hermeneutic and normative model of harmony? There are various methodological paths in approaching this question—and one at hand pathway would be to turn to the classical Confucian texts and examine which is best in line with the spirit of the latter. In the remainder of this paper, however, I want to take a different route: I want to visit a field that has housed some of the most critical discussions on the public-private distinction as well as on the relation between

justice and care, and draw lessons from arguments there developed—from the field of feminist philosophy.[17]

## III. Lessons from Feminist Philosophy

When the Rawlsian model makes a distinction between the public and the private and stresses that justice pertains only to the former and not to the latter sphere, it implies that the private rests outside of the scope of politics: that the private sphere of the family, of the home, of personal relationships is a sphere that the public—let alone the state—has no right to interfere with. Indeed, Catharine MacKinnon forcefully argued, "The liberal ideal of the private holds that, as long as the public does not interfere, autonomous individuals interact freely and equally … In this scheme, intimacy is implicitly thought to guarantee symmetry of power. Injuries arise through violation of the private sphere, not within and by and because of it" (MacKinnon 1989, 190). However, MacKinnon proceeds, this masks and institutionalizes oppression of and violence against women:

> Private is what men call the damage they want to be permitted to do as far as their arms extend to whomever they do not want permitted to fight back. Epistemically, in gender terms, it means that male force is invisible. When aggression occurs, what is seen is consent. Privacy seems to stick to white upper-class men and follow them into the world, forfeited only under unusual conditions, while consent seems to stick to women. As interpretation, when what men do is private, their aggression is not seen at all, and women are seen to consent to it. This epistemic problem explains why privacy doctrine is most at home at home, the place women experience the most force, in the family, and why it centers on sex. Why a person would "allow" force in the private (the "why doesn't she leave" question raised to battered women) is a question given its insult by the social meaning of the private as a sphere of choice. For women the measure of intimacy has been the measure of oppression. (MacKinnon 1989, 191)

The problem with the public/private split is that also within the so-called "realm of the private" people tend *not* to interact freely and equally as autonomous individuals. They interact, we would in Confucian terms say, through the roles that they adopt in the broader context of social relations, practices, rituals, and institutions that constitute their historical lifeworld. And although we may hope that the latter inspire

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[17] Of course, feminist philosophy has an enormous scope and is not just about women or gender—perhaps describing it as a "field" is strictly speaking inappropriate and I should better talk of an "orientation". Either way, it should be noted that my aims here are not to contribute to discussions in feminist theory or to take a stance on what "essentially characterizes" the latter; I aim to draw lessons from the latter field/orientation by discussing two lines of argumentation that have made tremendous critical-constructive contributions to normative philosophy and that I believe can help our thinking about the relation between harmony and justice.

people to adopt caring roles, we know that interaction within the family, within the home, within personal relationships is sometimes oppressive and violent—especially against women. In this light, feminist philosophers have sought to explain, employing the justice model and thus accepting a split between public and private makes that such oppression and violence become hermeneutically and normatively masked and institutionally consolidated. These become masked in the regard that viewed through the lens of justice it is difficult, if not altogether impossible, to bring oppression and violence into view as normative concerns—if they come into the public view *at all*, that is. When women are battered in the safety of their own homes, this tends to be reconstructed as if they happen to "push the buttons" of *exceptionally* violent men. When female students are harassed by their male professors, this tends to be framed as if they are unfortunate enough to have "invited" men of *unusually* predatory disposition. Through the lens of the justice model, insofar as instances of oppression and violence against women come into the public view at all such cases appear as isolated, individual incidents that may be cause for personal empathy but not for normative concern—let alone affirmative action (see also Gavison 1992, 20). When we assume that the private lays outside the scope of politics, most violence and oppression will go unnoticed and the small portion of cases that do make it out into the open will tend to be seen as exceptions rather than the rule. And by so masking violence and oppression as private, isolated occurrences instead of presenting them as moral and political problems, it is suspected, the justice model institutionally consolidates and perpetuates women's disempowerment. For this reason, feminist philosophers have argued, it is crucial that we learn to see such issues as *structural* problems that require *institutional* responses—and that we thus learn to see these as *political* in the deepest possible sense. And this is why, they proceed, "feminism has had to explode the private. This is why feminism has seen the personal as the political. The private is public for those for whom the personal is political" (MacKinnon 1989, 191).

In feminist philosophy, thus, we find profound objections against the public/private distinction that the justice model proposes which center on the suspicion that the latter masks and consolidates oppression and violence—against women, but mutatis mutandis also against other groups that adopt vulnerable roles in the realms that the designation of the "the private" removes from the public eye. This speaks strongly in favour of the positions that Li Zehou and Li Chenyang advance, and against readings of harmony and justice that consider the latter as simply complementary. Many things happen in the so-called "private" sphere: social roles are distributed and adopted, social relations are entered into and solidified, and an enormous set of informal practices, rituals, and institutions regulate "private" interaction—as well as who can enter into political deliberation and how they can do so. And since we know that this means that *not* everyone is adequately represented and cared for, it is vital—for women, ethnic minorities, LGBTQIA+ community members, and other vulnerable individuals and groups—that the public/private split is upended so that supposedly "private" oppression and violence can be made visible and subjected to public scrutiny and (affirmative) action. Also social roles and relations, informal practices, rituals, and institutions must be subjected to normative

judgment, and that can only happen when the personal becomes political. For this reason, the lesson from feminist thought here is, we should be careful not to make the public and the private into separate social realms but rather work from the starting point that there is just *one*—infinitely diversified—social world that we need a comprehensive but unified hermeneutic and normative model to interpret and judge.

This feminist critique hits the heart of the justice model in its Rawlsian appearance because it challenges the latter's very understanding of what constitutes "the political". That does not mean that the basic spirit or driving force behind the justice project is necessarily problematic. Indeed, many feminists endorsed Rawls' basic observation: that there is profound inequity in the (starting) positions that people are assigned in life, and that such inequity calls for redress (see also Okin 1991). But the point would be that the Rawlsian framework of justice in its dependence on the public/private split has neither the tools to properly identify the inequities that need to be redressed nor to conceptualize how such redress should then be carried out. And although Li Zehou and Li Chenyang's proposal—thus that the harmony model does not accept a public/private split but stresses that *all* interpretation and normative reasoning should be guided by a concern for what differentiates or uniquely characterizes the perspectives of human beings and to what extent they are appropriately cared for in their social lifeworlds—seems at first glance sympathetic from the feminist point of view, feminists would stress that if harmony is to deliver a compelling model for interpreting and judging the social world, it needs to show that it fares well in identifying social inequities and conceptualizing redress.

It seems to me that there are prima facie reasons to think that harmony *can* fare well here. As we have seen, Confucian harmony emphasizes that in order to adequately interpret and judge any given social setting, we must i) consider persons in the particular social roles that they embrace as well as in the specific social relations, practices, rituals, and institutions in which these are embedded, and ii) consider the emotional attitudes of care in their personal relationships and to what extent these attitudes and the social institutions with which these are entwined are morally commendable. And if we now look at the question of inequity and redress through this lens, it is clear that a much more profound and extensive picture of what can go wrong in societies—but also how such wrongs can be righted—comes to the fore. When it comes to identifying social inequities, to begin with, the harmony model would not restrict its focus to the unequal distribution of money, education, natural talent, and similar "social goods". When considering the social world through the lens of harmony, rather, we would examine the latter from the question of who is *cared for* and who is *harmed*—and we are thus not so much concerned with "correcting a cosmic injustice" as we are with ending oppression, "which by definition is socially imposed" (Anderson 1999, 288). As such, the scope of harms that are the subject of normative concern grows exponentially. It still includes social disparities in wealth and income, in education, and in talent (talent is, on the Confucian view, no normatively neutral property), but it includes much more than that. Indeed, it in principle includes *all* disparities in the material conditions that encourage some and undermine others to live a human(e) life within the bounds of society. Considered from the viewpoint of care, it appears as *wrong* that people with disabilities are faced

with social environments not accommodated to their bodies, it appears as *wrong* that women are sexually harassed and told that it's "not that bad" when they try to speak up, it appears as *wrong* that those who do not identify as heterosexual cisgenders have to face judgment, exclusion, and even violence whenever they wear their identities on their sleeves. What is more, if we look at the social order from the question of who is cared for and who is harmed, then also transgenerational harms appear as subjects of normative concern: then, for example, the burden of memory that some social groups have inherited from their oppressed, abused, or even massacred forebears will also be identified as social inequities. When we examine the social order through the lens of harmony, thus, these and many other social harms appear as more than isolated, individual incidents: they appear as social inequities that call for political redress.

When it comes to conceptualizing the latter, the harmony model seems to disclose a similarly broad spectrum of factors that are to be taken into account. From the viewpoint of harmony, we would not think about redressing social inequities only in terms of the redistribution of goods: we would include also social roles, relations, practices, rituals and (informal) institutions in our framework of normative reasoning and judgment. When we were to have identified parts of our social world as unaccommodating toward persons with disabilities, toward women, toward the LGBTQIA+ community, toward the (great)grandchildren of genocide survivors, we would not proceed to estimate the "cost of compensation". Rather, we would further examine who played a role in the origination of harmful situations, and which social relations, practices, rituals, and institutions enabled or even encouraged these. The point here would not be to single out a culprit or scapegoat, but to acknowledge harm by assigning responsibilities: to the wrongdoers but especially also to the social roles and relations, the practices, rituals, and institutions that allowed the former to abuse their privilege to victimise others. And although the punishment of wrongdoers may be part of redress so conceived, what is at stake here is the transformation and *change* of those parts of our social world that made these wrongs possible in the first place. Considered from the viewpoint of Confucian harmony and its commitments to diversity and care, a crucial element in the redress of social inequities is the acknowledgement of responsibility through the attempt to secure—by rethinking and reorganizing social roles and relations, social practices, rituals and institutions—that such harm cannot again occur in the future. Especially such acknowledgement of the harm suffered as a structural problem that requires the assignment of responsibility as well as institutional change, we could hope, enables social harms to heal and enables redress to grow into reconciliation—not so much between wrongdoer and victim, but between society and the persons that she failed to care for. And as such, perhaps, the harmony model could do justice to a central concern that Rawlsian exercises of abstraction threaten to make us forget: namely that "those whose interests are most in need of protection are those least able to come to the table" (Kittay 2015, 288).

This, of course, has merely sketched the contours of how the Confucian harmony model could help us to identify social inequities and conceptualize redress. But this sketch has hopefully shown that there are prima facie reasons to think that the harmony model may accommodate the feminist worries about the public/private split and provide a promising hermeneutic and normative framework for understanding the

complex and profound matter of inequity and redress—its emphasis on diversity and care casts the net wide, and highlights the healing of harms rather than the compensation for cosmic injustice. Notwithstanding, much more work would have to be done if we are to develop a full-fledged account of how harmony guides our interpretation and judgment in these and related matters. And one important lingering question is what this concretely implies for our understanding of justice and its conceptual network. In our discussion of the proposals by Li Zehou and Li Chenyang it was already noted that, if we are to connect harmony and justice, there may be grounds for holding that the latter must be subjected to critical revision and can only thereafter be integrated into the broader model that has harmony as its keystone. Our discussion of the feminist objections against the justice model has emphasized that such revision may have to be rigorous indeed: not only must a revised concept of justice drop its dependence on the public/private split, it must also lose its presumption that matters of social equity and inequity can be settled by abstracting away from the "contingencies" of the social world as well as the position that we ourselves adopt therein. As we have seen, namely, it is precisely the *particularity* and *concreteness* of the social harms and of the roles and relations, the practices, rituals, and institutions in which these are embedded, that make up the backbone of the hermeneutic and normative framework through which harmony represents social inequities—social injustices. Within a harmony model that has been educated by feminist philosophy, justice seems to revolve around a call for assigning responsibilities and demanding societal change in cases where a constellation of social roles, relations, practices, rituals, and institutions has enabled or encouraged persons to violate commitments to care that they ought to have respected. Such a concept of justice seems thus grounded in a commitment to healing harm rather than merely redistributing goods, and does not first and foremost require an activity of judging on the basis of general principles that address persons in virtue of their nature as free, equal, rational, and independent creatures. Such a concept of justice grounded in a commitment to healing harm, rather, seems to require what Wole Soyinka calls a "structure of memory and critique" (Soyinka 1999, 39)—and thus an altogether *different form of interpretation and judgment*.

This raises the question how the form of interpretation and judgment that goes with such a revised notion of justice relates to judging on the basis of principles (see also Held 1995). And, concomitantly, this raises questions about concepts that are traditionally aligned with (Rawlsian) justice: freedom, equality, independence, human rights, democracy—concepts whose application as well as justification tends to be constructed through recourse to principles. Is justice as a structure of memory and critique compatible with judging on the basis of principles? Does the latter form of judgment fit into the broader hermeneutic and normative model that harmony advances? And if the answer is "no" or "not completely", then what does this mean for our understanding of the nature and role as well as the justification of concepts such as freedom, equality, human rights—concepts forming core parts of most justice systems? These are difficult questions, but it is crucial that they are asked. And perhaps Confucianism, with its strong commitments to diversity and care, can contribute critically as well as constructively to philosophy of culture and

globalization by asking precisely these questions—perhaps even in harmonious partnership with feminist political theory and ethics of care.

## Concluding Remarks

In this paper, I have discussed Confucian harmony as a hermeneutic and normative model and explored ways in which it could be connected to justice. My main suggestion has been that there are normative—feminist—reasons against assuming all-too quickly that harmony and justice are simply compatible. Justice may have to be rigorously revised if it is to be compatible with harmony because justice, at least in its Rawlsian appearance, is not merely dependent on a problematic public/private split but also presupposes a form of interpretation and judgment that differs fundamentally from that in which harmony is grounded. Implicitly, and on the level of cross-cultural hermeneutics, my suggestion has therein been that engaging in dialogue across cultural boundaries may ask us to transform our own point of view if we are to be open to one that is foreign to us. This has long been demanded from China, and maybe now the time has come for the West to show such openness in return: in the ways in which we approach each other in politics, but also in philosophy. If the Confucians and feminists (as well as many others) are right to stress that the way we model the world is at least in *some* sense dependent on lived, embodied experience, and if there are reasons to think that our hermeneutic and normative models in turn impact at least in *some* regard on the way in which we see and evaluate our lifeworlds, then it is crucial that also philosophy becomes more inclusive and diversified—in terms of gender, but also in terms of culture. And maybe it's not even too far-fetched to think that we should start redressing social inequities here, in our own backyard: in philosophical teaching and research, and in the organization of academic institutions.

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