

Xunwu Chen, *Justice, Humanity, and Social Toleration*. Lanham, MD: The Rowman & Littlefield, 2008. Pp.184.

THE SUBJECT-MATTER of justice is one of the enduring subject-matters of philosophy. The philosophical passion devoting to explore the theme of justice remains as strong today as it was in Plato's time. In the last three decades in the West, there has arisen a trend of comparative studies of the subject-matter. *Justice, Humanity, and Social Toleration* is part of such a trend. *Justice, Humanity, and Social Toleration* sets out to justice in general and requirements of justice in our time (such as social toleration and democracy).

It brings into dialogue between Chinese and Western philosophies on the subject-matter of justice. But the enterprise aims not at raising the MacIntyrean question "Whose Justice, which Rationality?" or advancing a postmodern view on justice. Instead, it aims at developing a formal concept of justice acceptable to all cultures. It may be too ambitious. Yet, following Kant and Habermas, influenced by thoughts of John Rawls, Thomas Scanlon, Christine Korsgaard and others, Chen believes firmly that there is such a thing called universal justice in spite of cultural diversity. Another core feature of *Justice, Humanity, and Social Toleration* is its focus on justice in human term, or its tenet of justice of humankind, for humankind, and for humankind. As Chen sees, only this kind of justice is relevant to our existence and worth our time and energy. Given both universalism and humanism have such a bad press in philosophy today, Chinese enterprise devoting to define formal human justice manifests distinctive spirit of swimming against the wave.

The narrative structure of the book is organized around the two concerns above. While Chapter 1 of the book is basically an introduction, chapters 2 is devoted to exploring the Chinese conception of justice. In particular, it explores four different meanings or concepts of *Zheng Yi*, the Chinese counterpart of the English term "justice". Digging into the Chinese traditional philosophical discourse on justice as rectification, truth, reason, essence, substance, and standards, Chen detects a common Chinese definition of formal justice as: "Justice is the condition in which the true, the authentic and great righteousness stands straight in social life; it is propriety or fitness of things that stand straight and embodies the good par excellence" (p.29). Taking this Chinese concept of formal justice as the starting point, Chapter 3 of the book sets out to develop a concept of formal justice in terms of humanity—that is, justice as setting things right, or in his own words, "setting things right and erecting righteousness" (p.165). In addition, starting with this concept of formal justice, Chen further proceeds to develop what he considers to be the third family of justice, along with distributive justice and corrective justice.

As justice is claimed to be exclusively of, by, and about humankind, Chen contends, there is one distinctive family of justice as setting things right righteously as setting *human affairs* right in terms of humanity. Chen dubs this family of justice as "normative justice", parallel to distributive justice and corrective justice. What is the distinct way in which normative justice makes human affairs just in the sense of setting them right? Chen contends that being distinguishable from both distributive justice that requires righteousness in distribution of natural and social resources and from corrective justice that requires righteousness in correction of the wrong and reward of the right,

normative justice requires righteousness on such basic human values as human rights, human goods (humanity as the end), and human bonds. Apparently, it is both necessary and legitimate to single out a concept of normative justice defined as “setting human affairs right in accordance with the principles of human rights, human goods (humanity as the end), and human bonds” (p. 49). It seems to Chen that the articulation of normative justice restores the universal conception of humanity, tightens the relation of justice to humanity, and rebuilds the theory of justice on a rational ground. Practically, normative justice imposes a set of duties or obligations on all members of humankind and provides ethical ground for the mental attitude of tolerance and the behavioral form of toleration, which in turn gives rise to the state of human affairs in which people remain harmonious while maintaining disagreements and stay unified while preserving diversity.

Chen’s further explications of normative justice and its theoretical and practical implications, however, invoke philosophical scrutiny on a number of issues. In his explanation of justice in terms of its relation to humanity Chen insists that the substance of justice is righteousness in and on the universal truths of humanity, where these truths are universal human rights, universal human goods, and universal human bonds” (p.78). However, justice so construed appears to be as much normative in character as is normative justice; and the concept of justice and that of normative justice appear to share similar intensions. Chen’s arguments about normative justice are constructed along two dimensions. On the one hand, normative justice demands that the respect for human rights and the treatment of humanity as the end be distributed to all members of humankind. On the other hand, normative justice dictates that humans have the duty or obligation to observe these principles of humanity and that any violation of these principles must be punished (in the legal context) or condemned (in the moral context) in order to make human affairs straight.

If we broaden our understanding of distributive and corrective ways of justice as well as all localizations of justice to include the principles of humanity, then the concept of justice and that of normative justice are identical extensionally. It seems that the readers of Chen’s book would be much less encouraged to accept the new discovery of normative justice than to adopt more moderate reform by enriching the concept of justice with the notion of normativity and broadening substantive forms of justice to include the principles of humanity.

A fundamental assumption underlying Chen’s thought experiment on the notion of normative justice is that justice is *intrinsic* to humanity (p. 44) or that there is *internal* connection between justice and humanity (p. 57). This essentialist assumption may gear the reader to the wonder about what justice is for. Chen’s arguments that justice has the function of rectifying human beings and making them virtuous, that it is a means to achieve human end, and that it is a form of loyalty to humanity are quite convincing. However, justice would be unnecessary if it were an intrinsic property of humanity though humanity may be intrinsic to justice. Here the problem is not so much metaphysical but rather empirical one. That there isn’t a necessary connection between justice and human individual or institutional behavior is an undeniable empirical fact; and this fact seems to impede any metaphysical manoeuvre leading to the point where justice becomes an intrinsic good in humanity. A direct consequence of this fact is that humankind is constantly under the evolutionary pressure to get human

affairs right. With reference to the evolutionary pressure, Chen's argument that humanity is intrinsic to justice is instrumental to understanding of justice as being normative in character because this argument makes it prominent that the one-way intrinsic relation is what justice was established for and what it has evolved for. But, this argument trivializes the project of extracting a notion of normative justice. One way out of the dilemma is to elaborate the humanistic normativity of justice and this kind of elaboration is a prominent outcome of Chen's thought experiment.

Chen's essentialist assumption goes hand in hand with his metaphysical assumption that there exist "universal" or "common" human rights, goods, and bonds. For Chen, these universalities are the truths of humanity; and they constitute the essence or normative identity of, and are embodied in, all human beings. In response to possible objections from empiricism and postmodernism, Chen offers a transcendental argument that the existence of various human attributes entails the existence of humanity as the substance, an empirical argument that humankind as a distinct species must possess the property of unity that differentiates it from other species, and a pragmatic argument that we would be better off believing in the universalist conception of humanity. In response to possible challenges from relativism, Chen advances a context-oriented account of justice to embrace the idea that the embodiments of universality may be particularized contextually. Thus, "human justice is universal and particular, absolute and historical" (p. 88). Here the reader is offered a rationalist meal with an empiricist flavor or a Platonic Form with Aristotelian modifications.

Chen's experiment invokes centuries-old problems about humanity—Is humanity universally shared by all members of humankind or particular to individual members? Is it a persistent property or a creative act? Is it a natural endowment or a cultural achievement? A part of Chen's thought experiment is an attempt to settle a compromising ground for solutions to these problems. An apparent difficulty here is how to allow justice to be context-oriented while disallowing a contextual pressure, or an interpretation of the pressure, to bend the rule of justice. Chen's strategy is to appeal to human reason—listening to the voice of reason, as he says. This brings us to another fundamental assumption underlying Chen's thought experiment. Chen believes that there is a mutual entailment between "the idea of justice and the idea of the rule of reason" (p.166). Reason commands humans to be just and justice makes humans reasonable. This is, Chen explains, why justice can be particularized without being sacrificed. To be differentiated from the Enlightenment mentality, the rule of reason is characterized as "the unforced force of reason" (p. 41).

The philosophical ancestries across world cultures left us a puzzle of positioning reason and justice in the right order. One can be rational without getting things right and one can get things right without being rational. Reason is not always just and justice is sometime unreasonable. Would the Enlightenment mentality with postmodernist modifications solve the puzzle? World philosophical traditions have gone in different directions. For many Asian philosophies, at least for the main stream of Chinese philosophy, reason must be qualified, or even restricted, by goodness, and it has to be so qualified and restricted that whatever is reasonable must be good in the first place. Whereas for many western philosophies, at least the main stream of analytical tradition,

whatever is good must be reasonable in the first place. Chen's book exhibits a genuine effort to bridge the chasm.

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