



# A Complex Confucian Conception of Distributive Justice

Hui Jin<sup>1</sup>

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## Abstract

Distributive justice is generally important to persons in society. This was widely recognized by early Confucian thinkers, particularly Confucius, Mencius, and Xunzi, in ancient China. Confucius, Mencius, and Xunzi had developed, in varying degrees and with different emphases, their respective conceptions of distributive justice to address the relevant social problems in their times. These conceptions not only are intrinsically valuable political thoughts, but may prove useful in dealing with current or future social issues. Thus in this essay, first I provide a detailed interpretation of each of those thinkers' conceptions of distributive justice, then I combine some essential elements of those conceptions to form a general and coherent conception, which is called a *complex Confucian conception* of distributive justice, and finally I evaluate this conception by considering some of its implications and limitations, in theory and in practice. This aims mainly at exploring the meaning and practical bearing of basic Confucian conceptions of distributive justice.

**Keywords** Distributive justice · Confucius · Mencius · Xunzi · *Ren* and *yi* and *li* · Complex Confucian conception

## 1 Introduction

Distributive justice is generally important to persons living in a relatively complex society. Persons in such a society almost always care about the distribution of social benefits and burdens, because that has great influence on many aspects of their lives. As the twentieth-century American philosopher John Rawls observes, “persons are not indifferent as to how the greater benefits produced by their collaboration are distributed, for in order to pursue their ends they each prefer a larger to a lesser share” (1971, p. 4). There is an inevitable conflict of interests among persons; and a sufficiently good society should try to achieve an acceptable resolution of this conflict of

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✉ Hui Jin  
jin201603@hotmail.com

<sup>1</sup> School of Philosophy and Social Development, South China Normal University, Guangzhou, China

interests. Distributive justice, therefore, should constitute one of the basic values of a sufficiently good society. Indeed, although some persons may not have a concept of social cooperation, they can still feel strongly the injustice in the distribution of benefits and burdens. For example, an ancient Chinese song popular in around the seventh century BC reads:

If you did not hunt, if you did not chase,  
One would not see all those badgers hanging  
in your courtyard.  
No, indeed, that lord  
Does not feed on the bread of idleness. (*The Book of Songs*, 1987, p. 286)

This is presumably the common people's moral complaint about the nobles' gaining abundant benefits without working, and the complaint is not without reasonable grounds. More generally, there is something *prima facie* wrong with the inequality that some persons who work only a little (or little) gain much whereas others who work much gain only a little in a society.

The early Confucian thinkers, particularly Confucius, Mencius, and Xunzi who lived in ancient China during the sixth to third centuries BC, recognized this as well as some other problems in the distribution of social benefits,<sup>1</sup> and developed conceptions of distributive justice at least partly in order to deal with them. These conceptions not only are intrinsically valuable political thoughts, but may prove useful in dealing with social problems in the present or even the future. Thus in this essay, first I perform a close examination and provide a detailed interpretation of each of those thinkers' conceptions of distributive justice; then I combine some essential elements of those conceptions to form a general and coherent conception, which is called a *complex Confucian conception* of distributive justice; finally I evaluate this conception by considering some of its implications and limitations, in theory and in practice.

## 2 Confucius' Conception of Distributive Justice

Confucius' conception of distributive justice appears to derive from his conviction about the nature of the distribution of social benefits, his understanding of government in general, and his central moral and political conceptions (or principles) of *ren* (仁) and *yi* (義).

First of all, the distribution of benefits in society was regarded by Confucius as a political matter or course of action. In advising a disciple, Confucius said: "Concerning the head of a State or Family I have heard the saying: He is not concerned lest his people should be poor, but only lest what they have

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<sup>1</sup> The term "social benefits" should be broadly understood as meaning "benefits and burdens of social life in general" in most cases in the essay. This simplification is acceptable because being imposed less burdens can be regarded as receiving more benefits.

should be ill-apportioned” (*The Analects of Confucius*, 1989, 16.1, p. 203).<sup>2</sup> By this Confucius suggests that the ruler of a society (or leader of a community) has the responsibility to ensure that the society’s benefits are distributed in an appropriate way. This is because the ruler has the responsibility to administer political affairs and maintain an acceptable order in the society, and the distribution of benefits belongs to political affairs and forms part of the social order. Confucius had the latter idea largely because of the dominant influence of governmental policies and acts on the distribution of income and wealth and on economic activities in early societies. But how should the distribution of benefits, as a political matter, be administered?

To answer this question we have to find out what Confucius’ general understanding of government is and then see what it implies about the distribution of benefits in particular, since Confucius has almost never discussed the latter explicitly. With regard to government, Confucius said: “Ruling is straightening” (*Analects*, 12.17, p. 167). Furthermore, he explained: “Once a man has contrived to put himself aright, he will find no difficulty at all in filling any government post. But if he cannot put himself aright, how can he hope to succeed in putting others right” (*Analects*, 13.13, p. 174). These suggest that the primary goal of government is to put all persons right. To govern is to straighten some things, that is, to put some things right. If one has managed to put oneself right, then one will be able to govern without difficulty, that is, be able to put some things right without difficulty. Putting others right seems to be a common goal of all government posts, and one can put others right only if one can put oneself right. Therefore, to govern seems to be to put oneself and others (all persons) right. At another time, Confucius asserted: “He who rules by moral force (*te*) is like the pole-star, which remains in its place while all the lesser stars do homage to it” (*Analects*, 2.1, p. 88). That is, if the government administers political affairs under the guidance of sound moral principles, then it will be supported by the ordinary people and the society will have a good order. Thus, Confucius argued that government should administer political affairs in morally acceptable ways in order to put persons and society right, that is, to bring order to persons and society as a whole.

This moral requirement on government is reflected in other contentions of Confucius. For example, when Tzu-hsia, one of Confucius’ disciples, asked him to explain a few lines of a song ending with “Plain silk that you would take for coloured stuff”, Confucius said: “The painting comes after the plain groundwork”; Tzu-hsia further asked: “Then ritual comes afterwards?”, and Confucius praised him enthusiastically: “Shang it is who bears me up” (*Analects*, 3.8, pp. 95–96). Here Confucius implies that ritual need to be built on something, just as paintings need to be drawn on plain material. Furthermore, Confucius also said: “A man who is not Good,<sup>3</sup> what can

<sup>2</sup> Although most direct quotations of the Confucian texts are from English translations made by other writers, my interpretation of the Confucian thinkers’ thoughts is based largely on the original Classical Chinese texts; see Yang Bojun 楊伯峻, *論語譯注* (北京: 中華書局, 1980), 孟子譯注 (北京: 中華書局, 1960); Xunzi *Jijie* 荀子集解, ed. Wang Xianqian 王先謙 (北京: 中華書局, 1988).

<sup>3</sup> The key term “仁 *ren*” is translated by Arthur Waley as “Good (Goodness)” —it may be roughly equated with “humane (humaneness/humanity)”, “good (goodness)”, or “benevolent (benevolence)” in English.

he have to do with ritual?” (*Analects*, 3.3, p. 94). That is, if one is not humane, then one will be far away from really following ritual. This suggests that the foundation of ritual should be certain moral virtues. In the time of Confucius (or ancient China), *li* (禮, ritual) in general can be construed relatively narrowly as rites, or relatively broadly as political institutions,<sup>4</sup> among others. Particularly with regard to the two instances discussed above, if we construe ritual as political institutions, then they imply that political institutions should be built on certain moral virtues. This interpretation is not unreasonable, even though it only forms part of what Confucius means in the instances. Thus, in Confucius’ view, government should set up political institutions on a foundation of moral virtues, and the institutions’ policies and acts should also be guided by moral principles, so as to bring order to persons and society.

Those moral virtues and principles are presumably *ren* and *yi*.<sup>5</sup> The conceptions (or principles) of *ren* and *yi* constitute the heart of Confucius’ moral and political thought. The conception of *ren* generally means that *to some extent* we should care about any other person’s good as we care about our own good. Confucius said:

As for Goodness—you yourself desire rank and standing; then help others to get rank and standing. You want to turn your own merits to account; then help others to turn theirs to account—in fact, the ability to take one’s own feelings as a guide—that is the sort of thing that lies in the direction of Goodness. (*Analects*, 6.28, p. 122)

This indicates that *ren* requires that we *make real efforts* to help others attain what we ourselves desire if possible, and we can move toward *ren* by taking our own feelings as a guide to acting properly toward others. In addition to this, *ren* has another important aspect. When asked by the disciple Tzu-kung whether there is a single maxim that one can act upon throughout one’s life, Confucius replied that perhaps a maxim of consideration is so, which goes like: “Never do to others what you would not like them to do to you” (*Analects*, 15.23, p. 198). The maxim means that we should always avoid acting toward others in ways that we would not want others to act toward us in—this is also what *ren* (humaneness *hereafter*) requires. By contrast, the conception of *yi* (righteousness *hereafter*) seems simpler and relatively straightforward; it requires that one conduct oneself in righteous ways or act justly.

Government, therefore, should set up political institutions on a foundation of humaneness and righteousness, and administer political affairs through the adoption and implementation of laws or policies that are guided by humaneness and righteousness. The distribution of benefits, as a political matter, then should be administered through the adoption and implementation of relevant laws and policies that are both humane and righteous. That is, the distribution of benefits should be regulated in ways that meet the requirements of humaneness and righteousness. The question is, in what ways should the distribution be regulated to meet those requirements?

<sup>4</sup> For a helpful discussion of this, see Hsiao Kung-chuan 蕭公權, *中國政治思想史* (臺北: 聯經, 1982), p. 105.

<sup>5</sup> “義 *yi*” is another key term in Confucianism, which may be *roughly* equated with “righteous (righteousness)” or “right (rightness)” in English.

With regard to benefits, Confucius has observed: “Wealth and rank are what every man desires” (*Analects*, 4.5, p. 102). This implies that we all desire certain benefits in our lives—that is a self-evident truth. On the principles of humaneness and righteousness, therefore, we should make real efforts to help others attain benefits if possible, because we ourselves desire them. Also, since we should avoid acting toward others in ways that we would not want others to act toward us in, and we presumably would not want others to treat us unjustly in our own pursuit of income, positions and other benefits, we should avoid treating others unjustly in their pursuit of benefits. Finally, we should act justly in obtaining benefits—as Confucius asserted, we should not accept “wealth and rank by means that [we] know to be wrong” (*Analects*, 7.15, p. 126). On the one hand, these are what humaneness and righteousness require of us in relation to the pursuit of benefits. On the other hand, because of the relative scarcity of benefits in society and their importance for our lives, unavoidably we must compete with others for them.

Those conditions together determine the ways in which the distribution of benefits should be regulated. The essence of the principles of humaneness and righteousness and the inevitability of competition for benefits must be embodied in the public policies (or laws) on the distribution of benefits. If a policy (or law) aims at making all members of society act humanely and righteously regarding the pursuit of benefits (that is, act justly in obtaining benefits, avoid treating others unjustly in their pursuit of benefits, and make real efforts to help others attain benefits if possible), then it must recognize and try to meet the basic needs and reasonable desires of each of them. The reason is that, in order to bring order to society, policies generally must try both to enable persons to lead acceptable lives without doing wrong and to prevent persons from living *well* by doing wrong; a policy on distribution, therefore, must try both to enable everyone to earn benefits without doing wrong (that is, by justly competing with others) and to prevent everyone from earning benefits by doing wrong (that is, by unjustly competing with others). But if a policy on distribution does not recognize and try to meet the basic needs and reasonable desires of everyone, that is, in some sense to take into account the fundamental interests of everyone in a fair way, then some people will reasonably feel that their fundamental interests are not justly served by society, and therefore will do wrong or compete unjustly with others for benefits so as to have acceptable lives—these should be prevented. Thus, Confucius’ conception of distributive justice requires that the distribution of social benefits be conducted under policies that take into account the fundamental interests of all members of society in a fair way and make everyone justly compete with every other to attain what everyone deserves.<sup>6</sup>

### 3 Mencius’ Conception of Distributive Justice

Confucius’ conception of distributive justice, however, seems to be immature or incomplete. He did not say much about what a just distribution of social benefits would be like (that is, in a sense, who deserves what), what kinds of competition

<sup>6</sup> For a similar but distinct interpretation of Confucius’ conception of distributive justice, see Section Two of my essay “Rawlsian and Confucian Distributive Justice and the Worst Off,” *Philosophia* (2022).

should be deemed just, and how the fundamental interests of all should be fairly taken into account, at least in *The Analects*. Mencius, arguably the most important follower of Confucius, has developed Confucius' thought and tried to answer some of those questions in his own treatment of distributive justice.

Mencius agrees that the distribution of social benefits is largely a political matter, and the ruler of a society has the responsibility to administer political affairs and maintain an acceptable order; thus the ruler has the responsibility to ensure that the society's benefits are distributed in an appropriate way. For example, Mencius has called the rulers "herders of men" (Mencius, 2011, 1A6, p. 6) and implied that, as "a person who accepts the responsibility for another man's oxen and sheep ... must search for pasture and fodder" (Mencius, 2B4, p. 41), a ruler must look after his subjects and ensure that their basic needs are met, because that is his responsibility.

In addition, Mencius explicitly discussed the problem of distributive justice in conversation with King Hui of Liang, ruler of a large state. Mencius said:

In your kitchen, there is fat meat, and in your stables fat horses. Yet the people have a hungry look, and out beyond, in the more wild regions, lie the bodies of those who have died of starvation. This is to lead animals to devour people. Now, animals devour one another, and people hate this about them. If one governs as father and mother of the people and yet is not deterred from leading animals to devour people, in what sense is he father and mother of the people? (Mencius, 1A4, pp. 4–5)<sup>7</sup>

By this Mencius essentially means two things. First, he has again emphasized that the ruler of a society has the responsibility, through proper governance, to look after his subjects and enable everyone of them to meet everyone's basic needs. Indeed, the ruler is likened to the parents of the people by Mencius. If this analogy is appropriate, then the ruler must look after the people and provide necessary resources for them to gain their means of support in life, as the parents must look after the children and provide necessary resources for them to grow and become independent persons. Second, it is highly unjust that a considerable number of people in a society suffer from severe deprivation while at the same time some other members enjoy lives of luxury. The total of social products and other benefits is always limited. The distribution of social benefits among persons should be appropriately handled, because one's distributive share not only has a huge, direct impact on the quality of one's own life but also indirectly affects others' lives. Although unequal distributions of benefits may be unavoidable or even necessary for a healthy society, *extremely* unequal distributions of benefits, such as a situation in which a considerable number of people suffer from starvation while some other people enjoy a luxurious standard of living, are unjust and morally objectionable. In a sense, what the starved poor lack is just what makes the rich overfed and affluent. In other words, some people have obtained so many of social benefits that other people could by no means have *barely sufficient* amount of them; and that is precisely what Mencius

<sup>7</sup> The first three sentences of this passage are actually Mencius' quotation from an earlier Confucian thinker called Gongming Yi; cf. Mencius, 3B9, p. 70.

(or Gongming Yi) means by “leading animals to devour people” (*Mencius*, 1A4, p. 5). This is no doubt a marked injustice in the distribution of benefits, and should be deterred by the government.

Moreover, Mencius has developed a theory of the moral basis of government and government’s responsibility to bring order to people and society; it further enhances his conception of distributive justice. The theory explains why the ruler has responsibility to look after the people and ensure that their basic needs are met. Mencius asserted that in a state “[t]he people are of greatest importance, the altars of the soil and grain are next, and the ruler is of least importance” and “[t]his is why one who gains the allegiance of the tillers of the fields will become the Son of Heaven” (*Mencius*, 7B14, p. 159). That is, the people of a state have the greatest moral importance in comparison with the worship of spirits and the ruler of the state, and therefore a person who serves the people’s interests and gains their great affection can become the legitimate ruler. The people are so important presumably because any state is ultimately composed of its people. As Mencius observed, the world has its basis in the state, “the state has its basis in the family, and the family has its basis in oneself” (*Mencius*, 4A5, p. 76). If almost all the individuals lead acceptable lives, then the family, the state, and the world will in turn have acceptable order. If, by contrast, many people live in harsh deprivation and suffering, then many families will fall apart and the states will in turn collapse. Thus the ruler, who derives supreme political power and the related benefits solely from the people, must serve the people’s interests if he wants to maintain the *legitimacy* of both his political power and the related benefits he receives. Here the requirement of the principle of righteousness naturally comes into play: The ruler (or ruling class) ought to act justly toward the people. This reflects Mencius’ deeply held conviction that the pursuit of personal or political interest must be restricted by moral and political principles, especially humaneness and righteousness (*Mencius*, 1A1, p. 1).<sup>8</sup>

In a similar vein, the principle of humaneness plays an important role in guiding the acts of the ruler or government that aim at protecting or promoting the people’s interests. Mencius argued that a ruler should try to treat the elders and the young in the state as he treats the elders and the young in his own family and share “his fondness of wealth [and women] with the people”, if he aspires to be a “true king” and “practice true kingly government” (*Mencius*, 1A7, pp. 7–9 and 1B5, pp. 18–20; Yang, 1960, p. 16). This is because good government must be humane government, which requires that the ruler act humanely toward the people—that is, the ruler should treat the people by “taking [one’s own] mind and extending it to others” (*Mencius*, 1A7, p. 9). This view is in accordance with Confucius’ understanding of humaneness, which indicates that one can pursue humaneness by taking one’s own feelings as a guide to acting properly toward others and avoiding treating others in ways that one would not want others to treat oneself in. Mencius actually wants the ruler and the ruling class to realize (and recognize) that the ordinary persons are similar to themselves in having various kinds of desire, fondness, aversion and other

<sup>8</sup> For a detailed explanation of this conviction, see Section Three of my essay “Confucian *Jus ad Bellum* Principles”.

feelings typical of human life, and many of those feelings are based on reasonable grounds. The ruler therefore should adopt policies and actions that enable the people to obtain a certain amount of money or property and other benefits, so that their basic needs and reasonable desires can be met. In other words, the ruler or government should seek to ensure a reasonable minimum standard of living for each person, especially for the ordinary persons.

What is more, Mencius provided, in effect, a way to determine how different persons' deserved (or just) shares of social benefits are to be ascertained. In response to someone who questioned the value of his social activities, Mencius said:

If you do not have circulation of products or exchange of services, allowing what one person has in excess to compensate for the deficiency of another, the farmers will have a surplus of grain and the women will have a surplus of cloth. If you have this circulation, then the artisans and carriage makers can all get their food from you. ... Why is it that you will honor the woodworker and the carriage maker and disparage one who practices humaneness and rightness? ... If someone does work for you, then you should feed him whenever you can. ... you do not reward motives. You reward work. (*Mencius*, 3B4, pp. 64–65)

Here he seems to defend the value of (Confucian) scholars' activities by showing that the general division of labor and social cooperation among persons are necessary and important for the good of all. The farmers, weavers, artisans and carriage makers all do useful things for other people; and simultaneously they benefit from other people's doing different useful things for them. The same is true of scholars, who do useful things such as producing knowledge, providing advice, or teaching for others, and also benefit from others' work. Indeed, almost all persons in society depend partly on other persons' work in leading their lives. Thus in general each person must be rewarded for the work he or she does. Otherwise no one can be expected to work for another or can expect another to work for oneself. Furthermore, Mencius claimed that the reward should be "in accordance with the Way" (*Mencius*, 3B4, p. 64), and implied that it should be proportional to the value of the work as far as possible. The reward for one's work will be in accordance with the Way if it meets the requirements of righteousness and humaneness. It will meet the requirements of righteousness and humaneness if it is *as far as possible* proportional to the value of the work, because just and tenable social cooperation generally demands equal exchanges. Admittedly, the value of particular work may be difficult to ascertain, especially in comparison with that of work of other types; but we can still try to approximate it. By the same token, at the social level it makes sense to reward persons according to the respective total values of their work during certain periods. One's just share of social benefits (that is, what one deserves or can legitimately claim in society) in a certain period, therefore, should be as far as possible proportional to the total value of one's work for others, or of one's overall contribution to society as a whole, during the period. Hence Mencius implied that the distribution of social benefits should be determined as far as possible in proportion to the contributions of persons to society in order to ensure that all gain their deserved shares.



In short, Mencius' conception of distributive justice includes that government should seek to ensure a reasonable minimum standard of living for each person, and social benefits should be distributed to persons as far as possible in proportion to their respective contributions to society.

#### 4 Xunzi's Conception of Distributive Justice

Apart from Mencius, Xunzi is another important follower of Confucius in early China. Xunzi also developed Confucius' thought, and tried to answer such questions as what a just distribution of social benefits would be like and what kinds of competition should be deemed just. But Xunzi's view provides a marked contrast to that of Mencius. Moreover, Xunzi's conception of distributive justice can be properly understood only as part of his general social and political theory.

One of Xunzi's central ideas about human and society is that the desires of a human in society not only often conflict with those of other humans but tend to increase over time almost without end, and therefore society must establish a reasonable system to control the conflict and increase of the humans' desires in order to enable them to live together in a harmonious and mutually beneficial way. Otherwise, there would be widespread struggles and the social order would inevitably break down. Xunzi said:

To be as noble as the Son of Heaven and to be so rich as to possess the whole world—these are what the natural dispositions of people are all alike in desiring. However, if you followed along with people's desires, then their power could not be accommodated, and goods could not be made sufficient. Accordingly, for their sake the former kings established ritual and *yi* in order to divide the people up and cause there to be the rankings of noble and base, the distinction between old and young, and the divisions between wise and stupid and capable and incapable. All these cause each person to carry out his proper task and each to attain his proper place. After that, they cause the amount and abundance of their salaries to reach the proper balance. This is the way to achieve community life and harmonious unity. (*Xunzi*, 2014, ch. 4, p. 30)

Clearly, to say that people's desires tend to increase without end is not to say that people's desires are wicked in themselves. Rather, Xunzi has asserted that people's desires are simply natural: "to the end of their years they would never be satisfied; this is also the natural disposition of people" (*Xunzi*, ch. 4, p. 29). The real problem is that there are no sufficient natural and social resources which are capable of satisfying the endlessly increased desires of the people. Xunzi therefore argued that a reasonable political system must be established to control the increase and conflict of people's desires. The system is that of *li* (ritual) and *yi* (righteousness) founded by former sage kings, and it makes people live in peace and harmony with significant satisfaction of their desires.

Again, Xunzi said:

Humans are born having desires. When they have desires but do not get the objects of their desire, then they cannot but seek some means of satisfaction. If there is no measure or limit to their seeking, then they cannot help but struggle with each other. If they struggle with each other then there will be chaos, and if there is chaos then they will be impoverished. The former kings hated such chaos, and so they established rituals and *yi* in order to divide things among people, to nurture their desires, and to satisfy their seeking. ... Thus, ritual is a means of nurture. ... The gentleman not only obtains its nurturing, but also loves its differentiations. What is meant by “differentiations”? I say: It is for noble and lowly to have their proper ranking, for elder and youth to have their proper distance, and for poor and rich, humble and eminent each to have their proper weights. (*Xunzi*, ch. 19, p. 201)

Xunzi held that, in order to achieve social order, there must be some divisions, rankings and differentiations among persons, which allow each person to occupy a suitable social position and gain appropriate benefits that are attached to the position. These divisions, rankings and differentiations belong to and characterize the political system which is to control the conflict and increase of people’s desires.

The political system can be reasonable because it is not arbitrarily created but built in accordance with certain principles that are morally acceptable. Xunzi called the system “ritual and *yi* (禮義 *li yi*)” (*Xunzi*, ch. 4, ch. 5, ch. 19, etc.) precisely because, I think, the system consists of two parts: ritual and the principle of righteousness. Ritual is the largely tangible, institutionalized part of the political system, including laws, policies, standards and measures,<sup>9</sup> whereas the principle of righteousness is the abstract part of the system which constitutes in part the system’s theoretical basis. As Xunzi explicated: “Ritual is that which the ruler of men uses as the yardstick and test for his various subjects” (*Xunzi*, ch. 8, p. 67); ritual is also “government orders and standards and measures”, that is, “the means by which [the superiors] interacted with the common folk” and regulated them (*Xunzi*, ch. 11, p. 110). Thus the ruler uses ritual to shape the lives of his subjects and establish a necessary and reasonable social order. The resulting social order, stressed several times by Xunzi, is one in which “noble and lowly have their proper ranking, elder and youth have their proper distance, poor and rich, humble and eminent, each have their proper weights” (*Xunzi*, ch. 10, pp. 84–85). Of course if persons generally have their suitable places in society, performing the relevant duties and tasks and receiving respective appropriate shares of benefits, then to a great extent they can live harmoniously together. But there is a question: Why should ritual be such that when it is more or less universally recognized and followed the resulting social order is so hierarchical and inegalitarian? Xunzi’s answer might be that ritual is based *primarily* on the Confucian principle of righteousness, and is justifiable.

First, the goal of ritual conforms to the principle of righteousness. Social life is presumably necessary and beneficial for almost everyone, but it will be destroyed

<sup>9</sup> In Xunzi’s social and political thought, “ritual (*li*)” in general should be broadly construed as political institutions, including laws, policies, standards and measures.

by widespread conflicts in society. As Xunzi argued, if people “live together but have no social divisions, then they will struggle with each other”, because natural or social resources are always scarce—taking into account the great abundance of people’s desires (*Xunzi*, ch. 10, p. 83). Therefore social life can be preserved only if there are social divisions. Ritual is established in large part in order to generate divisions in society. Those divisions enable the ruler to distribute limited resources to all people in appropriate ways, making the people be looked after, their reasonable desires significantly satisfied, and the society well-governed (*Xunzi Jijie*, 1988, ch. 9, p. 152).<sup>10</sup> Xunzi believed that those arrangements are “the basis for nourishing all” (*Xunzi*, ch. 9, p. 70), that is, they are the *right* things to do for well supplying what all the persons want. Thus ritual, as a set of political institutions, largely satisfies Confucius’ principle of righteousness—it rightly serves the fundamental interests of all.

Second, ritual is also shaped by the principle of righteousness at *another level*. Xunzi pointed out that social divisions are workable arrangements simply because of righteousness—“if [people] use *yi* in order to make social divisions, then they will be harmonized” (*Xunzi*, ch. 9, p. 76).<sup>11</sup> That is, if ritual by itself (including laws, policies, standards and measures) is designed in line with righteousness, then the resulting social divisions will be morally acceptable to nearly all persons, and make them live together in harmony. The guiding principle of righteousness *for* ritual appears to be to produce differentiation in society between persons of different social status, different performance of their duties, or different contributions. As Xunzi said, “if the superior is fond of ritual and *yi* ... he elevates the worthy and employs the capable” (*Xunzi*, ch. 12, p. 118); this implies that ritual and the principle of righteousness involve differential treatment of (or rewards for) persons of different duty performance or contributions. Obviously, this particular new interpretation of righteousness needs to be justified. Xunzi, indeed, has provided a justification:

When rewards work and punishments inspire awe, then the worthy can be gotten to advance and the unworthy can be gotten to withdraw, and the capable and incapable can be accorded their proper offices. ... the myriad things will obtain what is appropriate to them (*Xunzi*, ch. 10, p. 90)

This means that differential treatment of persons of different duty performance or contributions is a just social policy, because it is necessary for appropriate distribution of resources, which in turn is necessary for the building of a society in which each member has a higher life prospect. Since ritual and the principle of righteousness (in both Confucius’ general and Xunzi’s particular interpretations) are justifiable and beneficial to all members of society, Xunzi proposes the political system of ritual and righteousness.

Naturally Xunzi’s conception of distributive justice derives from his general social and political theory, especially from the political system of ritual and righteousness.

<sup>10</sup> The relevant original text is: “先王惡其亂也，故制禮義以分之，使有貧富貴賤之等，足以相兼臨者，是養天下之本也”；I have incorporated Wang Xianqian’s commentary on this in my interpretation.

<sup>11</sup> The relevant original text is: “分何以能行？曰：義。故義以分則和” (*Xunzi Jijie*, ch. 9, p. 164).

Xunzi argued that in a just society persons should gain different shares of benefits according to their different social status, different duty performance, and different contributions, but at the same time the weak and the disabled should be specially assisted by the government in appropriate ways. Thus Xunzi can be regarded as holding two principles of distributive justice. The first principle requires that benefits be distributed to persons according to their different social status, different duty performance, and different contributions. This principle is grounded on people's need to live in a more or less ordered society and people's inclination to make their basic needs and reasonable desires be efficiently and maximally (or fully) satisfied. In a sense these are what should be served by righteous social arrangements. The second principle requires that the government provide appropriate special assistance for the weak and the disabled. Xunzi said that the government should not only help "those who are orphaned or widowed" and "those who are poor and in dire straits" (*Xunzi*, ch. 9, p. 70) but provide for various kinds of handicapped people and employ them to do suitable things (*Xunzi*, ch. 9, p. 68). This principle is based on the Confucian conception of humaneness and government's need for order, security, and legitimacy. As Xunzi claimed, "[humane] superiors all had utmost concern for their subordinates" (*Xunzi*, ch. 11, p. 110), and so they would care for the weak and the disabled, among others. This policy of special assistance also reflects "Heavenly virtue" and constitutes part of "the government of a true king" (*Xunzi*, ch. 9, p. 68), which was greatly influenced by the conception of humaneness. Moreover, special assistance for the weak and the disabled is necessary for making the common people "feel at ease with the government", which in turn makes the ruler "feel at ease in holding his position" (*Xunzi*, ch. 9, p. 70). That is, in order to maintain a secure and legitimate social order it is necessary to provide special assistance for the weak and the disabled.

Actually, Xunzi has argued for a somewhat merit-based system of distribution of social benefits. It is important to note that in this system one's social status is to some extent connected with one's duty performance and contributions. Xunzi said that good government should make children and grandchildren of nobles and officials common people if they could not follow ritual and righteousness, and make children and grandchildren of common people nobles and officials if they could learn and follow ritual and righteousness (*Xunzi*, ch. 9, p. 68; *Xunzi Jijie*, ch. 9, pp. 148–149). That is, one's social status should be determined ultimately by one's overall performance (or contributions) in *supporting* the political system of ritual and righteousness. Of course, in Xunzi's view, social status is only one of the factors that determine a person's just distributive share; one's *general* duty performance and contributions, together with special needs, if any, are also important factors. In general, Xunzi wants to make better motivated and abler persons who contribute more to society obtain higher positions and larger shares of benefits.

## 5 A Complex Confucian Conception of Distributive Justice

There are not only common values in but also obvious differences between the three Confucian thinkers' conceptions of distributive justice. Nevertheless, some essential elements of Confucius' conception may be combined with those of

Mencius' and Xunzi's conceptions to form one general and coherent conception. This new conception can be called a *complex Confucian conception* of distributive justice, since it is characterized by a combination of central ideas in some of the foremost Confucian thinkers' conceptions of distributive justice. I should note that this complex Confucian conception was not held by any particular early Confucian thinkers, though it might be embraced by a considerable number of them.

The complex Confucian conception of distributive justice would require that the ruler or government formulate policies or laws to seek to ensure a reasonable minimum of benefits for each person, especially for the poor, and to make social benefits be distributed to persons according to the combinations of their respective contributions to society and different social status as far as possible. That is, the complex Confucian conception contains two principles of distributive justice:

- First principle* The ruler or government seeks to ensure a reasonable minimum of benefits for each person; and
- Second principle* The ruler or government makes one's share of social benefits be as far as possible proportional to the combination of one's contributions to society and one's social status.

The two principles should apply directly to the fundamental policies or laws about the distribution of benefits.

The complex Confucian conception of distributive justice consists of some essential elements of Confucius', Mencius', and Xunzi's conceptions of distributive justice. If the ruler or government seeks to ensure a reasonable minimum of benefits for everyone, then the fundamental interests of all persons are to some extent taken into account in a fair way. And if one's share of social benefits is as far as possible proportional to the combination of one's contributions to society and one's social status, then in a sense one has attained what one deserves in society, that is, one's just distributive share. Thus, Confucius' understanding of distributive justice has been largely incorporated into the conception. Moreover, the conception reflects Mencius' ideal of a reasonable minimum standard of living for everyone and his conviction about the close connection between one's contributions to society (work for others) and one's deserved share of benefits. Finally, the conception embodies Xunzi's emphasis on the importance of social divisions by making the social status of persons a determining factor in the distribution of benefits.

Like Confucius', Mencius', or Xunzi's conception of distributive justice, the complex Confucian conception of distributive justice can be justified on the basis of the Confucian principles of *ren* (humaneness) and *yi* (righteousness). The ruler or government should act *humanely* toward the people. This implies that the ruler or government should *try to* enable all persons to have acceptable lives—that is, try to enable all persons to satisfy their own basic needs and reasonable desires. The ruler or government should therefore seek to ensure a reasonable minimum of benefits for everyone, especially for the poor, because each person needs a certain amount of benefits in order to satisfy his or her basic needs, let alone reasonable desires. In addition, the ruler or government should act *righteously* toward

the people. If benefits are distributed to persons according to the combinations of their respective contributions to society and their different social status as far as possible, then the society may achieve righteousness and justice in the distribution. The benefits one receives through distribution should be determined in part by one's contributions to society because equal exchange is very important for the maintenance of just social cooperation, which is good for all members of society in general. Also, the benefits should be partly determined by one's social status, because social divisions are crucial in making people live in peace and harmony with significant satisfaction of their desires. Social divisions and differences in social status seem necessary for an appropriate distribution of limited natural and social resources, which in turn is necessary for the building of a good social order. Of course, social divisions and differences in social status per se should also be restricted by principles of humaneness and righteousness, in order to be morally acceptable—this is needed to avoid injustice in the background. If one's social status can change and is to an important extent determined by one's contributions to society, and if the differences in social status are reasonable, then the social divisions and differences in social status would be acceptable.

One might doubt that the complex Confucian conception of distributive justice is a truly coherent conception. First, in some circumstances, it is clearly impossible to ensure a reasonable minimum of benefits for everyone, since that would require at least a relatively high level of economic development. The economy of a society may have not yet reached that threshold. Second, the first principle of the conception conflicts with the second principle of it—they cannot be satisfied simultaneously, because on the first principle many worst-off persons with very small and *different* contributions will probably gain the same minimum of benefits. Third, the second principle seems internally inconsistent because one's distributive share cannot be reasonably made proportional to the combination of one's contributions to society and one's social status—the two sorts of things are incommensurable and therefore cannot be appropriately combined and then used with a single proportionality standard to measure and regulate one's distributive share.

But the complex Confucian conception merely requires the government to *seek* to ensure a reasonable minimum of benefits for everyone, that is, so far as the government makes serious and great efforts toward that goal, the first principle would be satisfied. Even though a society cannot ensure a *reasonable minimum* of benefits for everyone because of its relatively low level of economic development or some other reason, the first principle can be satisfied if the society as far as possible ensures a *minimum* of benefits for everyone. This minimum of benefits may be insufficient even to satisfy persons' basic needs, but still serves their good. Also, the first principle and the second principle are congruent. Although some persons' initial contributions to society may be very small and different, they can be required, trained and organized by the government to do certain suitable work in return for the minimum of benefits. Their bare social status as a member of society together with part of their work is proportional to the minimum of benefits that they are entitled to on the first principle; and their different social roles and other contributions will be rewarded on the second principle. In a sense the second principle may be regarded as containing the first principle. Thus the two principles can be satisfied simultaneously.

Finally, one's contributions to society and one's social status by themselves may be incommensurable, but that does not mean that their respective effects on one's just share of social benefits are incommensurable. After giving certain weight to them, we may combine them appropriately and then measure if the benefits one receives through distribution are proportional to the combination of them. This aims to make one's distributive share be as far as possible justly determined by one's contributions to society and one's social status. The complex Confucian conception is therefore coherent.

A different kind of question which may be raised here is that although the idea of distributive justice has a very long history, it has been assigned a special modern meaning in contemporary discussion, and in what sense could the complex Confucian conception of distributive justice be regarded as general?<sup>12</sup> Admittedly, as David Miller notes, the concepts of distributive justice and social justice “are often used interchangeably” in contemporary writings (1999, p. 2), and there are often some assumptions about the social and political context in which a conception of social justice applies (1999, pp. 4–7). But that does not mean no single conception of distributive justice can apply to different social and political contexts. In fact, there may be some common ideas of justice that apply to most complex societies, ancient and modern, in which the social order is primarily maintained by a sovereign power. For example, as Fred Feldman astutely notes, “Aristotle, Leibniz, Mill, Sidgwick, Ross, and others” more or less agree to “the idea that justice is somehow a matter of receipt according to desert” (2016, p. 24). Feldman then proposes his own “desertist theory of distributive justice”, which requires, roughly, that the government ensure that “its citizens receive the political economic deserts that they deserve to receive in virtue of their possession of the relevant political economic desert bases” (2016, p. 75). The complex Confucian conception can be regarded as another form of desertism, which represents a general theory of distributive justice.

Nevertheless, there may be a more serious problem with the complex Confucian conception: Is it just that one's share of social benefits is significantly determined by one's social status?<sup>13</sup> In most ancient societies, one's share of social benefits was to a large extent determined by one's social rank, so that social hierarchy was preserved. This is clearly unjust, since the unfortunate people's life prospects are very low, while the fortunate people's very high. More important, the fortunate, including the ruling class, almost always try to pass their wealth, privileges, and power on to their descendants, making it harder for the unfortunate to raise their social status and gain a just share of social benefits, in whatever sense.

Two clarifications should be made. First, by giving appropriate relative weight to one's contributions to society and one's social status in combining them, say, 90 percent and 10 percent respectively (or 50 percent each), we can make one's just share of social benefits be mostly (or half) determined by one's contributions when applying the complex Confucian conception to a particular society. The percentages may change within a reasonable range according to social circumstances. Second,

<sup>12</sup> I am grateful to an anonymous reviewer for raising this question.

<sup>13</sup> I am grateful to an anonymous reviewer for pointing out this.

the complex Confucian conception actually involves a restriction on the *extent* of inequality of (or differences in) social status—it must be reasonable and morally acceptable. That is, social stratification must be properly controlled by the ruler or government. The complex Confucian conception seems largely defensible.

## 6 Implications and Limitations

The complex Confucian conception of distributive justice has important implications, which suggest that it may be useful in dealing with contemporary problems of social justice. But it should be noted that the limitations of the conception also matter: They actually prevent the conception from generating a truly just distribution of benefits in the real world, even in a Confucian sense.

Conspicuous among the implications of the conception is that government will formulate and implement policies or enact and enforce laws to pursue a reasonable minimum of benefits and ensure a minimum of benefits for everyone. Thus each person will probably receive a minimum of benefits through social provision, though the amount of this is uncertain and varies over time. Since this minimum of benefits has an unknown amount, people will generally work in order to satisfy at least their basic needs and use it only as a supplement to their other income, rather than depending heavily on it. But this kind of benefit serves the fundamental interests of each person equally, and plays an important role in improving the situation of the poor. The cost of the minimum of benefits would be covered by government's tax revenues because of the minimum's significance for society and its regularity.

The minimum of benefits provided by the government as a result of the application of the complex Confucian conception is *distinct* from what is usually called a social minimum. A social minimum may have different meanings in different contexts. In his design of the background institutions that form the basic structure of a just social system, for example, Rawls suggests that “the government guarantees a social minimum” by transfers such as “family allowances and special payments for sickness and employment” or “a graded income supplement” (1971, p. 275). This social minimum aims to meet “the claims of need” of citizens (1971, p. 277); and it should be set at the level which, together with the standards of wages and earnings, “maximizes the expectations of the least advantaged group” (1971, p. 285). In this context, a social minimum means a certain lowest amount of benefits that everyone can receive through transfers so as to satisfy everyone's basic needs and therefore lead a bearable life. It also lays a firm foundation on which the life prospects of the worst off can then be maximized (1971, pp. 285–286). But Jeremy Waldron contends that Rawls's idea of the social minimum is problematic, and proposes instead a “more needs-based” idea of social minimum (1986, p. 21). Waldron argues that in Rawls's imagined original position “a principle which fixes a social minimum just above that level of immiseration” should be chosen (1986, p. 28), and so there would be “a social minimum principle of justice” which requires that social institutions guarantee a social minimum, that is, “some determined minimum standard of well-being for all citizens” (1986, p. 24). Even if this argument, as Paul Weithman (1995) has attempted to show, is circular, a social minimum may nevertheless be a



legitimate principle of social justice in other situations. Waldron seems to disagree with Rawls essentially on the importance of a social minimum in a general theory of justice: Rawls incorporates a social minimum in one of his principles of justice (the difference principle), whereas Waldron regards a social minimum as “one of the first principles” of justice (1986, p. 24). Besides, Thomas Nagel argues that the most likely and motivationally feasible way to improve social justice in modern societies with competitive economy would be to provide “a decent social minimum” for those who fail to gain sufficient benefits by themselves to have “a decent standard of living” (1991, pp. 122–124). The decent social minimum is a very important part of a relatively just social structure which prevents anyone from suffering “through no fault of his own” (Nagel, 1991, pp. 123–126). These different kinds of social minimum are desirable because, as Miller argues, a person “who is prevented by lack of resources” from leading “a normal human life” in a particular society is in a sense unjustly harmed by the society (1999, p. 210).

On the complex Confucian conception, however, the government only *pursues* a reasonable minimum of benefits—which amounts to a social minimum—without guaranteeing it. Indeed, the government provides for everyone a minimum of benefits whose amount depends on social circumstances. This is because although the government tries to ensure a reasonable minimum of benefits for everyone, there are always various kinds of practical constraints, which make the result of this attempt indeterminate. Yet the minimum of benefits finally provided, despite its indeterminacy in value, must be appropriate—that is, its amount must be in accordance with the economic condition of the society. This approach to social justice might be better than guaranteeing a determined or a decent social minimum, since it preserves more effective motives for active participation in social cooperation, which benefits us all, while *at the same time* provides as far as possible a relatively secured benefit. Admittedly the uncertainty over the minimum’s amount will cause some pain, but that may be one of the many unavoidable situations in real life and, more importantly, can be neutralized by a probable increase of other benefits that a person will gain from greater and more effective social cooperation. Further, this approach seems more practicable than that of guaranteeing a social minimum, for it appears to demand less public resources and less sacrifice by the better off (including the ruling class), and therefore may command wider support in society.

But the complex Confucian conception also has inherent limitations, which prevent it from achieving all of its goals. The most serious limitation seems to concern the effectiveness of the second principle. Even though the government can give appropriate weight to one’s contributions to society and to one’s social status in combining them, and then use their combination together with a proportionality standard to measure the benefits one receives through distribution, it can hardly regulate the benefits in a successful and morally acceptable way. The government cannot really make one’s share of social benefits be as far as possible proportional to the combination of one’s contributions to society and one’s social status *by* formulating and implementing policies or enacting and enforcing laws. In general, the outcomes of persons’ economic (or certain social) activities can only be influenced but cannot and should not be directly determined by policies or laws. As Nagel asserts about the difficulty in building a good egalitarian society,

if the government wants to maintain a successful economy and leave “space for the pursuit of individual life”, then it must not “[put] the economy under direct political control” (1991, p. 86). Analogously, in a good Confucian society people also need a relatively successful economy in order to meet their basic needs and reasonable desires, and certain space in order to have personal lives, which are naturally desired by all human beings. The government therefore cannot in general use political means such as policies or laws to *directly* control the essential aspects of economy, including the distribution of social benefits. If a substantially Confucian government tries to enforce laws or policies that directly determine the distribution of social benefits, then it terribly misses one of its central goals—that is, to enable the people to lead acceptable lives—and treats the people neither humanely nor righteously. Thus the second principle of the complex Confucian conception cannot apply successfully in practice through policies or laws about distribution. To make one’s share of social benefits be as far as possible proportional to the combination of one’s contributions to society and one’s social status, as required by the complex Confucian conception, one has to find a new way that is both justifiable and practicable.

## 7 Conclusion

The distribution of the benefits and burdens of social life among persons is perhaps a perennial problem. Confucius, Mencius, and Xunzi have developed, in varying degrees and with different emphases, their conceptions of distributive justice to deal with this in their times. I combine some essential elements of their conceptions to form a complex Confucian conception of distributive justice. The conception requires that the government seek to ensure a reasonable minimum of benefits for everyone and make social benefits be distributed to persons according to the combinations of their respective contributions to society and different social status as far as possible. A conspicuous implication of the conception shows that it provides an alternative approach to just distribution, and therefore may be useful in addressing current or future problems. But it also has a serious limitation, which reveals what the real difficulty in realizing distributive justice might be. This conception, however, is merely one of the possible formulations of Confucian distributive justice.

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