

Article

Chinese Legalism and Islamic Views of Justice: A Comparison Based on the Political Thought of Han Fei and Ibn Khaldun

Wu Jinke & Russli Kamarudin*

Research Center for History, Politics and International Affairs, Faculty of Social Sciences & Humanities,
Universiti Kebangsaan Malaysia, 43600 Bangi, Selangor, Malaysia

*Corresponding Author: russli@ukm.edu.my

Received: 6 December 2024

Accepted: 2 February 2025

Abstract: This study addresses the lack of comparative research examining the political dimensions of justice as conceived by Han Fei, representing Legalist thought in ancient China, and Ibn Khaldun, a prominent Islamic scholar. The objective is to elucidate how these two realist thinkers, each writing in a period of political fragmentation, conceptualize justice within their respective frameworks. Methodologically, the research employs a comparative philosophy approach, centring on textual analysis of Han Feizi and Al-Muqaddimah, alongside secondary sources on Legalist and Islamic political traditions. The findings reveal that both Han Fei and Ibn Khaldun view the nature of humanity with scepticism and emphasize the necessity of strong governance to ensure social order. However, their interpretations of law diverge: Han Fei portrays it as an impersonal instrument designed to enforce compliance under a ruler's absolute power, whereas Ibn Khaldun integrates law with divine authority, thereby constraining secular power through religious principles. An important implication of this contrast is that both frameworks can, under certain conditions, legitimize authoritarian rule: in Legalist thought, through an unwavering focus on the ruler's will, and in Islamic contexts, when religious law is manipulated to serve despotic ends. Understanding these convergences and divergences deepens our appreciation of how different cultural and historical settings shape the pursuit—and the potential pitfalls—of achieving justice.

Keywords: Legalism; Islam; justice; political thought; Han Feizi; Ibn Khaldun

Introduction

Chinese and Islamic civilizations, two prominent Eastern cultures in world history, share a pursuit of justice that weaves through all periods of their history, not only reflecting the core values and ethical principles of these civilizations but also manifesting in their respective legal systems, governance structures, and philosophical traditions, thereby shaping their contributions to global culture and thought. In China, justice constitutes the inner core of its civilization. While Confucianism's emphasis on moral cultivation is undoubtedly critical to understanding traditional Chinese notions of justice, it is equally important to recognize the Legalist perspective, particularly given the connection between law and justice (Luban, 2015). Since the Warring States period (475–221 BCE), Legalist thought has been deeply integrated into the development and construction of Chinese civilization, emerging as an indispensable intellectual foundation for understanding its fundamental characteristics and historical trajectory. Legalism prioritizes using laws and punishments as the primary tools to maintain social order and achieve political objectives (Gao & Walayat, 2020). Its understanding of justice is closely linked to enforcing laws and implementing rewards and punishments,

profoundly shaping the evolution of justice within Chinese civilization (Zhang et al., 2017). Similarly, Islamic civilization has placed paramount importance on justice, as explored in Majid Khadduri's (1986) work, *The Islamic Conception of Justice*. The Islamic pursuit of justice permeates its political, legal, ethical, and social philosophies, which, despite undergoing historical transformations, have consistently adhered to their foundational principles. Justice in Islamic thought is a divine mandate and a guiding principle for governance and societal order, reflected in its rich legal traditions, such as Sharia, and its social and ethical frameworks.

This article aims to analyze and compare the concepts of justice articulated by representative thinkers from these two intellectual traditions via a political lens. Doing so deepens our understanding of how these two civilizations have approached justice, providing insights into the challenges in reconciling their traditional conceptions of justice with modern notions. This comparative analysis focuses on Han Fei, the most significant representative of Legalist thought in Chinese civilization, and Ibn Khaldun, a prominent thinker in Islamic civilization. Some scholars have referred to Han Fei as "China's Machiavelli" (Escoffier, 2024) and Ibn Khaldun as the "Machiavelli of the Arab world" (Kalpakian, 2008), emphasizing their philosophies' pronounced realist political orientation. Both intellectuals articulated ideas about justice within their respective political frameworks.

To our knowledge, no scholar has yet conducted a comparative study of Ibn Khaldun and Han Fei. This paper sets out to compare the two thinkers' concepts of justice—a task that is undoubtedly challenging but also feasible. First, while Han Fei and Ibn Khaldun lived thousands of years apart, their political environments shared notable similarities. Han Fei lived during the Warring States period (475–221 BCE), a time of intense rivalry among seven significant states vying for dominance in the aftermath of the (Lu et al., 2023). Similarly, Ibn Khaldun lived in an era of political fragmentation in the Islamic world. After the Mongol assault on Baghdad in 1258, which culminated in the dissolution of the Abbasid Caliphate, the Islamic world fragmented into several autonomous governments. Although a nominal Abbasid Caliphate persisted in Egypt, it held no real political power (Mansour, 2018). Ibn Khaldun experienced this fragmented political landscape through his service in various regimes across North Africa and Andalusia (Alagha, 2017). Second, regarding their positions in intellectual history, both thinkers occupy significant roles in their respective traditions. Han Fei was a preeminent figure among pre-Qin philosophers, synthesizing the ideas of legalism and other schools of thought. Ibn Khaldun was a distinguished philosopher, historian, and political theorist within Islamic civilization. He analyzed the ascendance and decline of Arab dynasties and advanced a cyclical theory of historical progression. His ideas influenced the Islamic world and European thought, earning recognition from early modern European philosophers, historians, and sociologists (Kalpakian, 2008). Finally, Han Fei and Ibn Khaldun developed profound philosophical frameworks that sought to address the challenges of their times, grounding their theories of justice in these philosophical foundations.

Following this introduction, the Methodology section explains the comparative philosophy framework. The Findings and Discussion section then explores three core dimensions of Han Fei's and Ibn Khaldun's approaches to justice. First, it analyzes their underlying political philosophies as realist thinkers, focusing on how their pessimistic views of social development arise. Second, it examines how this pessimism shapes their conceptions of political rule, particularly their perspectives on human nature and ideal governance structures. Third, it compares their views on law as a political tactic, highlighting the function of legal mechanisms in maintaining order and achieving justice. The last section compares Han Fei's and Ibn Khaldun's ideas on justice, examining how their viewpoints illustrate the parallels and variations in understanding justice within Chinese and Islamic cultures.

Methodology

This study employs a comparative philosophy approach, with the fundamental aim of identifying both similarities and differences in the political thought of Han Fei and Ibn Khaldun. Comparative research's feasibility and fundamental purpose lie in identifying similarities and differences. Synchronic comparisons examine the commonalities and distinctions among countries, nations, or social groups within the same historical period, highlighting the characteristics of that era. Diachronic comparisons, on the other hand, explore similarities and differences within a single country, nation, or society across different historical

periods, revealing historical development trends. Generally, thinkers from disparate eras or regions are not directly comparable; however, comparability emerges when they occupy analogous stages of historical development or share similar concerns—in this case, the pursuit of justice within contexts of political turmoil.

Although Han Fei and Ibn Khaldun lived in vastly different eras, the social and political environments they experienced bear significant similarities, offering the potential for comparison. More importantly, both thinkers' concepts of justice are deeply rooted in their concerns with political life. This shared focus provides a solid basis for a comparative analysis of their ideas on justice from a political perspective. Examining their views through this lens makes it possible to uncover how each thinker approached justice within their respective political and social contexts.

The study primarily involves close readings of Han Feizi and Al-Muqaddimah in authoritative English translations. Specifically, Han Feizi is referenced through *Han Feizi: Basic Writings* (trans. Burton Watson, 2003), which provides a partial English translation of the original text. Although traditionally attributed to Han Fei (c. 280–233 BCE), many scholars believe the work may have been compiled posthumously by his followers, who preserved his central ideas. Passages were selected based on their relevance to key themes, including the nature of human beings, mechanisms of political rule, and the purpose of legal or religious norms in achieving justice. By examining these texts side by side, the analysis highlights areas of convergence—such as both thinkers' emphasis on strong governance to counteract human self-interest—and points of divergence, most notably the influence of divine law in Ibn Khaldun's conception versus Han Fei's secular, power-centric model.

Potential limitations stem from differences in translation, the risk of anachronistic interpretations, and the selective focus on two seminal works among broader Legalist and Islamic traditions. These constraints are mitigated by cross-referencing secondary sources and emphasizing the philosophical core of each text, thereby preserving the integrity of both thinkers' original contexts.

The Findings and Discussion

1. Political Philosophy of Realism: The Decline of the Ideal Society

The Ritual and Music system, a cornerstone of traditional Chinese culture, was designed to uphold social order and foster harmonious relationships through rituals while using music to cultivate virtue and reinforce moral values. However, this system disintegrated during the Warring States period (475–221 BCE), leading to widespread moral decline and chaotic relationships between rulers and their subjects. This breakdown significantly undermined the authority of the Zhou king, the monarch of the Zhou Dynasty (1046–256 BCE), who was traditionally regarded as the “Son of Heaven” and held the Mandate of Heaven, a divine right to rule. During the Western Zhou period (1046–771 BCE), the Zhou king's centralized power was supported by the Ritual and Music system, but by the Warring States period, the king's authority had weakened considerably. Feudal lords grew increasingly powerful, challenging the king's supremacy and contributing to political fragmentation. The collapse of the Ritual and Music system thus not only symbolized the loss of moral and social order but also directly facilitated the rise of powerful feudal lords and the decline of the Zhou Dynasty.

These political and social circumstances contributed to the realist tendencies in Han Fei's political philosophy. Han Fei argued that governance based on virtue was an ideal of the distant past and was no longer feasible in his own time. He claimed that

“Men of antiquity strove to be known as virtuous; those of the middle age struggled to be known as wise; and now men fight for the reputation of being powerful” (HanFei, 2003, p. 67)

The reason ancient people could prioritize virtue, he explained, was not due to their inherently greater moral purity but because of the simplicity of their societies:

“In ancient times, occurrences were limited; techniques were rudimentary, simplistic, and inadequate., so some used shells as currency and carts without wheels. In those days, people were few and closely connected,

resources were abundant, and individuals valued modesty and yielding. Consequently, there were alienations of the throne through courtesy and the transfer of governance over All-Under-Heaven.”(HanFei, 2003, p. 68)

Han Fei suggested that, in antiquity, plentiful resources with a limited population facilitated self-sufficiency:

“In antiquity, husbands were not required to cultivate the land, as the seeds of grass and the fruits of trees sufficed for sustenance. Wives were not asked to weave, as the pelts of avians and animals supplied adequate attire. No one needed to exert effort to maintain their supplies. The population was sparse, products were plentiful, and hence, there were no disputes. Consequently, no substantial prizes were distributed, no severe penalties were imposed, and the populace remained orderly.”(HanFei, 2003, p. 98)

In contrast, in Han Fei’s time, he observed that population growth and resource scarcity led to conflict:

“...men have to struggle and slave for a meagre living. They fall to quarrel, and although rewards are doubled and punishments are piled on, they cannot be prevented from growing disorderly.”(HanFei, 2003, p. 98)

Han Fei attributed the success of virtue-based governance in ancient times to economic and demographic conditions rather than to the innate goodness of human nature, thereby refuting the Confucian explanation of virtue-based governance. As he put it:

“In ancient times, when mankind disregarded material possessions, it was not due to altruism, but rather a surplus of things; conversely, when men today engage in conflict and theft, it is not out of malice, but because goods have become rare”(HanFei, 2003, p. 100).

Given that different historical conditions bring about distinct economic and demographic realities, Han Fei emphasized,

“It is unwise to use tools for simplicity in times of complexity; to govern an age of fierce competition with the rituals of yielding and courtesy is not the way of a sage”(HanFei, 2003, p. 99).

For Han Fei, attempting to govern the present age of strength and competition with the virtue-based politics of antiquity was foolish. In his view, Confucianism’s error lies not in virtue itself but in its anachronistic application, an impractical strategy for governing a population characterized by scarcity, competition, and conflict(Harris, 2013).

Han Fei believed that the ideal political environment for virtue-based governance had disappeared with the development of society, reflecting a distinctly realist approach to political philosophy. Ibn Khaldun took a similar view, arguing that the ideal state inevitably declined as society progressed. In his seminal work, *Al-Muqaddima*, Ibn Khaldun articulated the theory of civilizational cycles. He stated,

“The lifespan of a dynasty is akin to that of an individual, possessing its natural cycle.”(Khaldun, 2015, p. 10)

His foundational theory of historical cycles is rooted in the dialectical relationship between the desert and the city. Humanity, he suggested, is divided into two parts: the primitive, nomadic or Bedouin (umran badawi) and the settled, urbanized people of civilization (umran hadari). The former precedes and gives rise to the latter as nomadic groups transition into settled communities and build civilizations, ultimately reaching their cultural or civilizational zenith (umran). However, in this process, the virtues that initially characterized the Bedouin—the moral and social values that made civilization possible—gradually eroded under the influence of luxury and power. This decline undermined the reigning dynasty and the overarching civilization, facilitating the emergence of a new dynasty that initiated its own governance and cultural evolution.

The core explanatory concept in *Al-Muqaddima* is “asabiya”, a term that is often described as “group feeling” or “social cohesion”(Rosen, 2005). Ibn Khaldun argued that “asabiya” provides the driving force that

enables a ruling group—essentially a dynasty—to gain and maintain power. However, he noted that once a dynasty successfully consolidated power through “asabiya”, it pursued luxury, favouring comfort and peace. This shift marks the beginning of its decline. Members of the ruling class grow accustomed to luxury and transmit this lifestyle to their descendants:

“When the inherent inclinations of royal power to monopolize glory and to seek opulence and serenity become entrenched, the dynasty nears senescence.”(Khaldun, 2015, p. 133)

The deterioration of a prosperous dynasty commences with the ruling class’s monopolization of honour and status. In the early stages of a dynasty’s establishment, honour and glory are shared among group members, who all contribute to the effort. At the outset, honour and glory are collective, with all members participating equally. Nevertheless,

“When one of them claims all glory for himself, he treats the others severely and holds them in check. Furthermore, he excludes them from possessing property and appropriates it for himself. Thus, people have become too lazy to care for fame. They become dispirited and come to love humbleness and servitude.”(Khaldun, 2015, p. 134)

Over several generations, this situation led to the weakening and eventual decline of the dynasty. Another factor in the decline process is the misuse of wealth on luxury. In one respect, personal expectations rise, causing poorer members of society to struggle, while spendthrifts squander their wealth, leaving them unable to sustain themselves. In another respect, the reigning dynasty’s extravagant expenditures on luxury diminished the coffers and undermined its military strength. This invites attacks from rival neighbours:

“God permits it [the dynasty] to suffer the destruction that He has destined for His creatures”(Khaldun, 2015, p. 135).

Ibn Khaldun concluded that dynasties have a natural lifespan of approximately 120 years, encompassing three generations. By the fourth generation, their prestige and authority are irreparably destroyed. Ibn Khaldun’s theory of civilizational decline and Han Fei’s views on the impossibility of virtue-based governance reflect their realist approaches to political philosophy. The difference lies in their attitudes toward the revival of perfect conditions. Ibn Khaldun maintained cyclical optimism, believing that societal cohesion and order could be rejuvenated through the rise of new civilizations as part of a historical cycle. Han Fei, in contrast, held a linear and pessimistic view, asserting that virtue-based governance had disappeared irretrievably. This divergence shaped their views on human nature. Ibn Khaldun maintained that human nature could be improved through “asabiya” and religious values, allowing for the reestablishment of social cohesion in a new civilizational cycle. Conversely, Han Fei believed that the realities of his era had rendered human nature irredeemably self-centred, with little hope of returning to past virtues. He held an extremely pessimistic view, seeing human nature as fundamentally flawed and resistant to moral transformation. The differences in their views on human nature further influenced their ideas about political rule.

2. Political Rule: A Response to the Evil of Humanity

Han Fei’s attitude toward ordinary people led him to advocate for absolute power in the hands of the ruler to achieve effective political governance, restore order, and safeguard the state’s interests. He believed that the inherent nature of the populace was characterized by laziness and the pursuit of comfort, devoid of any noble aspirations beyond the satisfaction of personal desires.

“Indeed, it is the people’s nature to abhor toil and enjoy ease. However, if they pursue ease, the land will waste; if the land wastes, the state will not be in order. If the state is not orderly, it will become chaotic.”(HanFei, 2003, p. 57).

Han Fei argued that self-interest and the instinct to avoid harm are fundamental human traits. He believed people would shirk responsibilities and obligations if they conflict with personal gain.

“The people, in planning for their welfare, are most concerned in finding security and profit and avoiding danger and poverty” (HanFei, 2003, p. 116).

In Han Fei’s eyes, ordinary people were selfish but also ignorant and irredeemable. He believed they were inherently lazy, short-sighted, and focused solely on immediate, trivial gains, failing to see the broader benefits of actions. He said,

“Stupid and idle people always worry themselves about small expenses, then he is forgetting great benefits” (HanFei, 2003, p. 101)

This reflects his belief that the populace could not grasp the true nature of gains and losses, often rejecting even the benevolent policies of a wise ruler. Recognizing the shortcomings of individuals, Han Fei contended that society required firm governance and supervision. He asserted that the ruler’s duty was to govern the people effectively, and the key to doing so lay in understanding their nature and restraining their desires through punishment. He wrote:

“The punishment the wise ruler administers is not motivated by hatred toward the populace, but rather by a desire to care for them” (HanFei, 2003, p. 58)

Ibn Khaldun believed that God created humans with both good and evil tendencies, but in the absence of religious guidance, the evil side would dominate. He wrote,

“Evil is the quality closest to man when he fails to improve his customs and when religion is not used as the model to improve him” (Khaldun, 2015, p. 97).

Like Han Fei, Ibn Khaldun underscored the imperative of political rule owing to his bleak perspective on human nature. He acknowledged the intrinsic inclinations toward aggressiveness and injustice in humanity, emphasizing that royal power and political authority are crucial for preserving social order and promoting civilizational advancement. He explained this necessity as follows:

“When mankind has achieved social organization, as we have stated, and when civilization in the world has thus become a fact, people need someone to exercise a restraining influence and keep them apart because aggressiveness and injustice are inherent to the animal nature of man. The weapons made for the defence of human beings against the aggressiveness of dumb animals do not suffice against the aggressiveness of man to man because all of them possess those weapons. Thus, something else is needed to defend against the aggressiveness of human beings toward each other. It could not come from outside, because all the other animals fall short of human perceptions and inspiration. The person who exercises a restraining influence, therefore, must be one of themselves. He must dominate them and have power and authority over them so that no one of them will be able to attack another. This is the meaning of royal authority.” (Khaldun, 2015, p. 88)

Han Fei and Ibn Khaldun recognized the flaws of human nature and extended this understanding to constructing a just society, emphasizing the necessity of a ruler’s authority. They argued that society requires leadership to maintain order and execute justice and that political power must be centralized in the hands of a single individual to prevent chaos caused by self-interest. Han Fei underscored the importance of granting the ruler absolute power, as the sovereign holds the ultimate authority over the state, including the power of life and death. He asserted,

“As the ruler has the handles in his grip and thereby upholds his noble position, what is ordered works and what is prohibited stops. The handles regulate life and death; the position is the means of overcoming the

masses" (HanFei, 2003, p. 33).

For Han Fei, power was exclusive, indivisible, and shared with no one. All other individuals were subordinate to and served the absolute authority of the ruler. The ruler was seen as the most exalted figure, unparalleled in dignity and power.

"Nothing is more valuable than the royal person, more honourable than the throne, more powerful than the authority of the sovereign, and more august than the position of the ruler." (HanFei, 2003, p. 57)

Unlike Han Fei, Ibn Khaldun did not advocate for absolute power in royal authority. Instead, he recognized the inherent self-centred nature of rulers and acknowledged that

"the decisions of the ruler will therefore, as a rule, deviate from what is right [i.e., just]" (Khaldun, 2015, p. 154)

He contended that this inclination could result in disobedience, social upheaval, and possibly violent repercussions. Ibn Khaldun stressed the necessity of conforming to recognized political norms accepted by the population and to which they voluntarily consent to mitigate these hazards:

"Therefore, it is necessary to have reference to ordained political norms, which are accepted by the mass and to whose laws it submits. The Persians and other nations had such norms. A dynasty that does not have a policy based on (such) norms cannot fully succeed in establishing its rule." (Khaldun, 2015, p. 154)

While Ibn Khaldun valued the significance of norms and regulations in governance, he believed these norms were most effective when derived from a higher, divine authority. In his view, political norms ordained by God, through a lawgiver who enshrines them as religious laws, offer the most stable and just foundation for governance.

"If they are ordained by God through a lawgiver who establishes them as (religious) laws, the result will be a political (institution) with a religious basis, which will be useful for life in both this and the other world." (Khaldun, 2015, p. 155)

Like many Islamic scholars, Ibn Khaldun regarded the caliphate as an essential institution within the established framework of Islamic jurisprudence (Adam et al., 2015). He asserted that God defines what is correct, harmful, or just in Islamic theological voluntarism. This recognition of God's sovereignty forms the foundation of the relationship between the ruling dynasties and their subjects. Consequently, the necessity of maintaining justice, as embodied in Islamic law, must align with the demands and pragmatism of political governance. For Ibn Khaldun, while royal authority is essential, it is not supreme. Above royal authority are God and religious law. He articulated this relationship in a profound passage:

"O king, the might of royal authority materializes only through religious law, obedience toward God, and compliance with His commands and prohibitions. Religious law persists only through royal authority. Mighty royal authority is accomplished only through men. Men persist only with the help of property. The only way to produce property is through cultivation. The only way to cultivate it is through justice. Justice is a balance set up among mankind. The Lord set it up and appointed an overseer for it and that overseer is the ruler." (Khaldun, 2015, p. 40)

Ibn Khaldun did not view royal authority as absolutely supreme. While he was a staunch advocate of justice, which led him to emphasize the need for a strong state and recognized that royal authority was necessary to maintain social order and governance, he did not regard it as the ultimate authority. Instead, he viewed royal authority as a tool of God, obliging rulers to govern according to divine principles and justice. Royal authority thus remained subordinate to a higher, sacred power, and rulers were accountable to God for

their actions. This framework introduced a moral and religious dimension to governance, linking the legitimacy of rulers to their adherence to Islamic principles.

3. Political Tactic: Law as an Instrument

Han Fei's view of justice is centred primarily on reestablishing order, aiming to advantage the state and its populace. As he wrote,

"No fortune is more perpetual than security and order" (HanFei, 2003, p. 40).

Without order, the very idea of justice is meaningless. Han Fei argued for the necessity of law to achieve order and prosperity, backed by the state's coercive power. His core political principle can be summarized as: strength lies in law adherence (Lu, 2016).

"No state is forever strong or forever weak. If those who uphold the law are strong, the state will be strong; if they are weak, the state will be weak" (HanFei, 2003, p. 20).

The fate of states depends on a universal principle:

"Any ruler able to expel private crookedness and uphold public law finds the people safe and the state in order; and any ruler able to expunge private action and act on public law, finds his army strong and his enemy weak (HanFei, 2003, p. 21).

He argued that states that govern by law prosper, while those that abandon the law decline and eventually perish. He cited examples of once-powerful rulers, such as King Zhuang of Chu, Duke Huan of Qi, and King Xiang of Yan, who achieved significant territorial expansion and military success during their reigns but ultimately saw their states collapse. In Han Fei's analysis:

"The states of Yan and Wei were strong. However, now, all of them have become doomed countries because their ministers and officials pursue only what brings chaos and never what brings order. Their states have already fallen into disorder and weakness, yet the ministers and officials disregard the laws and seek private gain in dealings with foreign powers. In our present age, he who can put an end to private scheming and make men uphold the public law will see his people secure and his state well-ordered; he who can block selfish pursuits and enforce the public law will see his armies growing stronger and his enemies weakening." (HanFei, 2003, p. 22)

For Han Fei, the rule of law is essential for distinguishing right from wrong and good from bad, ensuring effective governance. He explained:

By implementing clear and consistent laws, rulers can restrain their subjects. Deceitful and corrupt individuals fear punishment and behave appropriately, while the populace fulfils their roles, resulting in a well-ordered society: "When the intelligent sovereign enacts prohibitions, the violent will become prudent; the brave, respectful; and the wicked, upright. All-Under-Heaven will then become just and fair, and the common people will become right spirited." (HanFei, 2003, p. 95)

Ibn Khaldun also recognized the value of law in achieving justice. Nevertheless, unlike Han Fei, who emphasized the practicality of law for rulers and its ability to maintain order through coercion, Ibn Khaldun placed more importance on the rational basis of law, stressing that law is based on rational goals and is closely linked to the requirements of civilization. He wrote,

"All (laws) are based upon the effort to preserve civilization. Therefore, laws pay attention to the things that belong to civilization. This is obvious from our references to these problems, which are mentioned as representative (of the general situation)." (Khaldun, 2015, p. 40)

Han Fei viewed law as expressing the ruler's will and authority. He argued that the ruler must possess absolute and supreme power, which, in practical politics, is embodied in laws and decrees. Han Fei stated:

"The strength of the state is due to the administration of its political affairs; the honor of the sovereign is due to his supreme power... as the enlightened ruler has the supreme power in his grip, the superior is held in high esteem; as he unifies the administrative organs, the state is in order. Hence, law is the origin of supremacy, and penalty is the beginning of love."(HanFei, 2003, p. 57)

For Han Fei, law represents the ruler's will, necessitating that the populace rely on the law and adhere to the ruler's authority. In contrast, Ibn Khaldun cautioned against an overreliance on law, mainly when it manifested as oppression through violence and fear. He warned that such an approach could erode the resilience and fortitude of the populace. Ibn Khaldun wrote:

"If the domination is kind and just, and the people under it are not oppressed by its laws and restrictions, they are guided by the courage or cowardice that they possess in themselves. They are satisfied with the absence of any restraining power. Self-reliance eventually becomes a quality that is natural to them. They would not know anything else. If, however, the domination with its laws is one of brute force and intimidation, it breaks their fortitude and deprives them of their power of resistance as a result of the inertness that develops in the souls of the oppressed."(Khaldun, 2015, pp. 95-96)

According to Ibn Khaldun, all secular laws inherently possess an oppressive function, regardless of whether they are enforced harshly or applied subtly. He maintained a critical stance toward secular laws, which he saw as external control mechanisms. Religious law, specifically Islamic law (Sharia), was fundamentally different in his view. Ibn Khaldun argued that while the companions of the Prophet Muhammad adhered to religious law, their fortitude and resilience were not diminished by it:

"It has thus become clear that governmental and educational laws destroy fortitude because their restraining influence is something that comes from outside. On the other hand, religious laws do not destroy fortitude because their restraining influence is inherent. Therefore, governmental and educational laws influence sedentary people by weakening their souls and diminishing their stamina because they have to suffer (their authority) both as children and as adults. Bedouin workers, on the other hand, are not in the same position because they live far from the laws of government, instruction, and education."(Khaldun, 2015, p. 97)

Both Ibn Khaldun and Han Fei regarded law as a critical tool for rulers to maintain social order and achieve justice, treating legal governance as an essential political strategy. However, their views on the law's specific functions and nature diverge significantly. Han Fei believed that the authority of law derived solely from the ruler, regarding law as an extension of the ruler's will and a tool for governing the populace. He detached law entirely from moral considerations, focusing exclusively on its practical application (Pines, 2013). For Han Fei, law was merely an instrument of statecraft wielded by a ruler to ensure stability and control. In contrast, like most Islamic jurists, Ibn Khaldun emphasized the philosophical foundation of law rooted in Islam (Gule, 2014). For him, law was not merely a human construct for maintaining order but also a divinely revealed guide for society, embodying a moral authority that transcended the ruler's earthly power. Ibn Khaldun praised religious law as:

"the knowledge of the classification of the laws of God, which concern the actions of all responsible Muslims, as obligatory, forbidden, recommendable, disliked, or permissible. These (laws) are derived from the Qur'an and the Sunnah (traditions) and from the evidence Muhammad has established. The laws evolved from this evidence are called 'jurisprudence'".(Khaldun, 2015, pp. 344-345)

According to Ibn Khaldun, this religious law is intended to ensure an orderly, stable society, guide believers toward spiritual salvation and guarantee their happiness in the afterlife. Unlike secular laws' coercive

and external nature, religious law serves as a moral compass and a divine framework for societal governance and individual conduct.

Conclusion

Ibn Khaldun and Han Fei’s views on justice are rooted in their realist political thinking (as illustrated in Figure 1). They both acknowledged the impermanence of ideal societies and the inherent imperfection of human morality. As previously noted, Ibn Khaldun viewed civilization as a cyclical process of rise and decline, with human nature exhibiting better qualities during periods of civilizational ascent. In contrast, Han Fei believed that the ideal society had irretrievably vanished and that the conditions of his era had rendered human nature selfish and indolent, making governance through virtue impractical. Consequently, they both emphasized the necessity of royal authority and the use of law to maintain social order and ensure national stability. For both thinkers, social order was the essential prerequisite for justice—without order and stability, justice could not exist. Ibn Khaldun argued that justice achieved through Islamic law could provide the stability necessary for civilizational prosperity. At the same time, Han Fei maintained that strict adherence to law and order was essential for the enduring stability of the state.

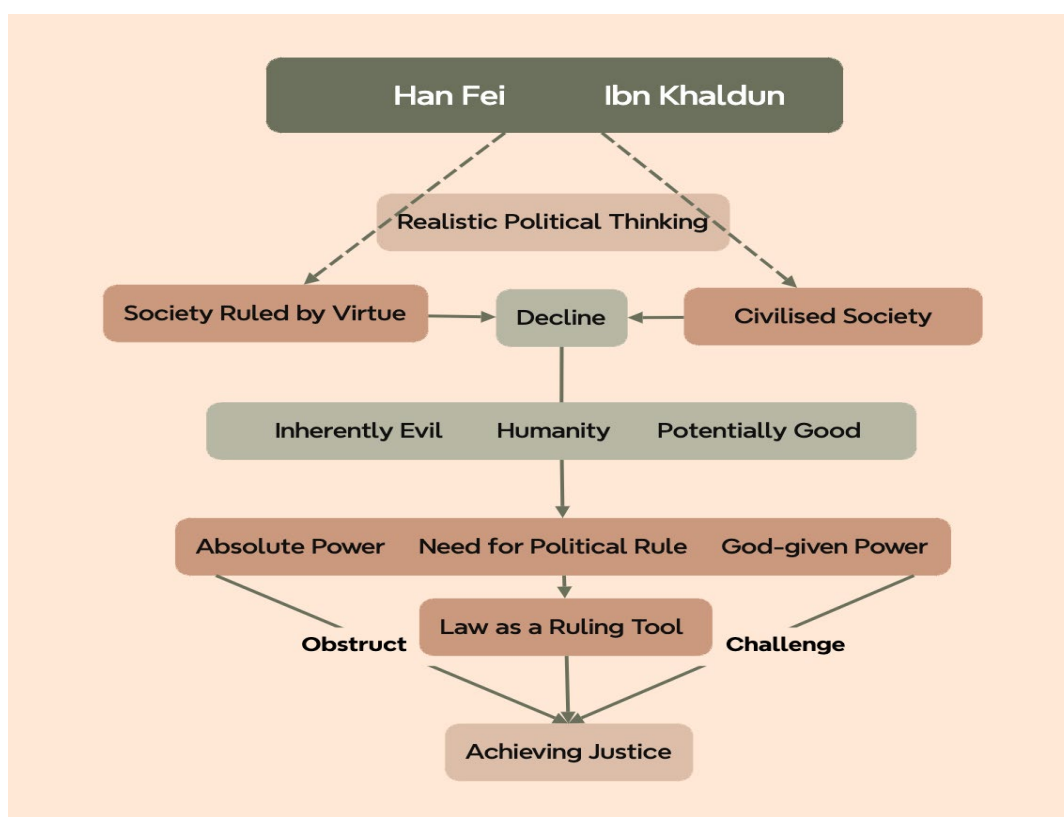


Figure 1. The logic of justice in Han Fei and Ibn Khaldun from the perspective of political realism
 Source: Compiled by the authors

As a thorough political realist, Han Fei drew a clear distinction between politics and ethics, seeking to make politics independent of moral considerations. His concept of justice was utilitarian and unfeeling, focusing on the practical effectiveness of law as a tool to maintain order and consolidate the ruler's control. Han Fei’s obsession with laws based on strict rewards and punishments stemmed mainly from his profoundly pessimistic view of human nature. In contrast, while acknowledging the potential for corruption and the negative aspects of human nature, Ibn Khaldun believed in the possibility of moral improvement through religion and law. His conception of justice was rooted in Islamic law, which he regarded as essential for maintaining social order and ensuring individual spiritual redemption.

In Han Fei’s framework, the law was entirely subordinate to the ruler, functioning as a tool for consolidating the monarch’s absolute authority. Justice was essentially equated with effectively enforcing the

ruler's will through law. Ibn Khaldun consistently emphasized recommendations and solutions grounded in his Islamic perspectives. His view of good government and the attributes of influential leaders are grounded in a logical religious foundation (Abdullah, 2018). For Ibn Khaldun, royal authority was subordinate to a higher divine authority. The ruler was expected to govern under sacred principles and justice. In his view, even the caliph did not possess absolute power but served as an instrument of God, implementing divine laws to guide individuals toward moral and spiritual fulfilment. The ruler's legitimacy depended on adherence to these sacred principles.

Throughout Chinese history, numerous ruling dynasties were profoundly influenced by Legalist thought in pursuit of justice by implementing laws and maintaining order. While Confucian ideals such as benevolence, love for the people, and governance through rituals served as normative concepts of justice (Ren, 2008), they primarily existed as rhetorical narratives crafted by the monarchy to justify its rule. In practice, the rigid principles of violence, harsh governance, and strict legal control championed by legalism often dominate the political landscape. The Legalist conception of justice essentially positioned the monarch and its supreme authority as the core political values of the state, shaping the autocratic tradition of Chinese governance (Wong, 2011). The Legalist introduced punitive measures to enforce discipline and control within a society fractured by despotic rules and arbitrary decision-making (Zhang et al., 2017). While legalism emphasized the role of law, it adhered to a traditional notion of rule by law rather than the modern principle of rule of law (He, 2011). The former assumes that the ruler's authority supersedes all laws—effectively, the monarch's will become the state's law (Alder, 1999). When the ruler's authority is absolute, achieving genuine justice becomes profoundly challenging. In contrast, the concept of justice in Islamic civilization integrates morality and religion into the construction of ideal governance. While emphasizing the importance of norms in ensuring justice, thinkers like Ibn Khaldun rejected the idea that such norms should grant rulers unlimited power (Berger, 2018). These norms, he argued, should be codified into religious laws by divine decree, serving both worldly life and the afterlife. As Ibn Khaldun succinctly noted,

“God is the ultimate sovereign, not the caliph, sultan, or king” (Khaldun, 2015, p. 34).

In Islamic civilization, justice was understood as aligning human governance with divine principles. Despite their differences, Legalist and Islamic conceptions of justice face a similar challenge: while both emphasize the importance of law, they often risk legitimizing autocratic rule rather than fostering genuine justice. In modern China, the legacy of Legalist ideas has sustained an authoritarian style of governance. Likewise, in parts of the Middle East, such as Saudi Arabia and Iran, regimes consolidate power by claiming alignment with divine laws, resulting in contradictions between divine and popular sovereignty (Ani, 2024; MacQueen, 2009). In both contexts, concepts of justice and law are frequently co-opted as vehicles for autocracy, in stark contrast to the global movement toward democracy and participatory governance. Government policies that restrict political rights and civil liberties often ignite civil disobedience (Zain et al., 2015). Therefore, as Chinese Legalist thought and Islamic conceptions of justice evolve to meet contemporary demands, their future development should adhere to a fundamental principle: achieving genuine justice requires not only a carefully designed legal framework but also robust institutional mechanisms that prevent the concentration of power and ensure equitable political participation (Boryslavska, 2021)

Acknowledgement: We wish to express our sincere gratitude to all individuals who have made valuable contributions to the publication of this article.

Conflicts of Interest: The authors have no conflicts of interest to declare.

References

- Abdullah, S. (2018). Ibn Khaldun's theory of good governance in achieving civilization excellence. *International Journal of Academic Research in Business and Social Sciences*, 8(9), 1321-1333. <https://doi.org/https://doi.org/10.6007/ijarbss/v8-i9/4699>

- Alagha, J. (2017). Ibn Khaldun: A sociology of history. *International Sociology*, 32(2), 180-188. <https://doi.org/10.1177/0268580916687460>
- Alder, J. (1999). The Purposes of Constitutional Law. In *Constitutional and Administrative Law* (pp. 3-22). Macmillan Education UK. https://doi.org/10.1007/978-1-349-15077-9_1
- Ani, K. J. (2024). Nigerian democratic behaviour and protest reportage in 2015 general elections. *e-Bangi: journal of social sciences and humanities*, 21(2). <https://doi.org/https://doi.org/10.17576/ebangi.2024.2102.32>
- Berger, M. S. (2018). Understanding sharia in the West. *Journal of Law, Religion and State*, 6(2-3), 236-273. <https://doi.org/https://doi.org/10.1163/22124810-00602005>
- Boryslavska, O. (2021). Judicial Reforms in Eastern Europe: Ensuring the Right to a Fair Trial Or an Attack on the Independence of the Judiciary? *Access to Just. E. Eur.*, 122. <https://doi.org/https://doi.org/10.33327/ajee-18-4.1-a000049>
- Escoffier, G. (2024). Amoralism in the Hanfeizi. *Philosophy Compass*, 19(4), e12979. <https://doi.org/https://doi.org/10.1111/phc3.12979>
- Gao, S., & Walayat, A. J. (2020). The compatibility of confucianism and law. *Pace L. Rev.*, 41, 234. <https://doi.org/https://doi.org/10.58948/2331-3528.2028>
- Gule, L. (2014). Ibn Khaldun: Law and Justice in the Science of Civilisation. In *Philosophy of Justice* (pp. 119-138). Springer. https://doi.org/https://doi.org/10.1007/978-94-017-9175-5_8
- HanFei. (2003). *Han Feizi: basic writings* (B. Watson, Trans.). Columbia University Press.
- Harris, E. L. (2013). Han Fei on the Problem of Morality. In P. R. Goldin (Ed.), *Dao Companion to the Philosophy of Han Fei* (pp. 107-131). Springer Netherlands. https://doi.org/https://doi.org/10.1007/978-94-007-4318-2_6
- He, P. (2011). The difference of Chinese legalism and western legalism. *Frontiers of Law in China*, 6(4), 645-669. <https://doi.org/https://doi.org/10.1111/ajes.12205>
- Kalpakistan, J. (2008). Ibn Khaldun's influence on current international relations theory. *The Journal of North African Studies*, 13(3), 363-376. <https://doi.org/https://doi.org/10.1080/13629380701844698>
- Khadduri, M. (1986). The Islamic Conception of Justice. In *Middle East Studies Association Bulletin* (Vol. 20, pp. 305-308). Middle East Studies Association of North America (MESA). <http://www.jstor.org/stable/23058995>
- Khaldun, I. (2015). *The Muqaddimah* (F. Rosenthal, Trans.; N. Dawood, Ed. Abridged ed., Vol. 3). Princeton University Press. <https://doi.org/https://doi.org/10.1515/9781400866090>
- Lu, M. (2016). Implications of Han Fei's philosophy for China's legal and institutional reforms. *Journal of Chinese Political Science*, 21(3), 339-356. https://doi.org/https://doi.org/10.1007/978-94-017-9175-5_8
- Lu, P., Zhang, Z., Onyebuchi, C. H., & Li, M. (2023). Human civilization dynamics: why we have different civilization patterns in history. *Humanities and Social Sciences Communications*, 10(1), 806. <https://doi.org/https://doi.org/10.1057/s41599-023-02246-0>
- Luban, D. (2015). Justice and Law. In J. D. Wright (Ed.), *International Encyclopedia of the Social & Behavioral Sciences (Second Edition)* (pp. 932-936). Elsevier. <https://doi.org/https://doi.org/10.1016/B978-0-08-097086-8.86043-2>
- MacQueen, B. (2009). Democracy promotion and Arab autocracies. *Global Change, Peace & Security*, 21(2), 165-178. <https://doi.org/https://doi.org/10.1080/14781150902872034>
- Mansour, I. (2018). Direct and inferred influences of the Silk Roads on the 'golden age' of the Abbasid Caliphate. *Asian Journal of Comparative Politics*, 3(3), 246-257. <https://doi.org/https://doi.org/10.1177/2057891117751865>
- Pines, Y. (2013). Submerged by Absolute Power: The Ruler's Predicament in the Han Feizi. In P. R. Goldin (Ed.), *Dao Companion to the Philosophy of Han Fei* (pp. 67-86). Springer Netherlands. <https://doi.org/https://doi.org/10.1007/978-94-007-4318-24>
- Ren, Y. H. (2008). Exploration into Chinese traditional confucian thoughts on responsibility. *Acta Psychologica Sinica*, 40(11), 1221. <https://doi.org/https://doi.org/10.3724/sp.j.1041.2008.01221>

- Rosen, L. (2005). Theorizing from Within: Ibn Khaldun and His Political Culture. *Contemporary Sociology*, 34(6), 596-599. <https://doi.org/https://doi.org/10.1177/009430610503400604>
- Wong, D. B. (2011). Confucian Political Philosophy. In G. Klosko (Ed.), *The Oxford Handbook of the History of Political Philosophy*. Oxford University Press. <https://doi.org/https://doi.org/10.1093/oxfordhb/9780199238804.003.0048>
- Zain, Z. M., Yusoff, M. A., & Hamdi, I. H. (2015). Civil Disobedience During Reformation Era. *e-Bangi: journal of social sciences and humanities*, 10(Special Issue 2), 10.
- Zhang, X., Yao, T., Xu, W., & Zhai, Y. (2017). Crime and punishment in ancient China and its relevance today. *American Journal of Economics and Sociology*, 76(5), 1191-1218. <https://doi.org/https://doi.org/10.1111/ajes.12205>