



**SORBONNE
UNIVERSITÉ**

CHINA SCHOLARSHIP COUNCIL

Appel à projets

Campagne 2022

<https://www.sorbonne-universite.fr>

Title of the research project :

The Concept of Law in the Political Thoughts of Aristotle and Han Fei:
A Comparative Study / Le concept de loi dans la pensée politique
d'Aristote et de Han Fei : une étude comparative

Thesis supervisor (HDR) :

Name : Cristina

Surname : VIANO

Title : DR2

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Professional adress :

(site, dresse, bulding, office...)

Centre Léon Robin (UMR 8061), CNRS/ Sorbonne Université, 1 rue Victor Cousin, 75230 Paris Cedex 05

Research Unit

Name : Centre Léon Robin

Code (ex. UMR xxxx) : UMR 8061

Doctorate School

Thesis supervisor's doctorate school (candidate's futur
doctoral school) :

ED 433 Concepts et langages

PhD student currently supervised by the thesis supervisor (number, year of the first inscription) :

MA Jiandong, first inscription SU september 2021



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Joint supervisor :

Name : Anne

Surname : Cheng

Title : Professor

email : anne.cheng@college-de-france.fr

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Collège de France, 11 place Marcelin-Berthelot 75005 Paris

Research Unit

Name : CCJ (Chine-Corée-Japon)

Code (ex. UMR xxxx) : UMR 8173

École doctorale

Joint supervisor's doctorate school :
Ecole doctorale EHESS

Or, if non SU :

PhD student currently supervised by the joint supervisor (number, year of the first inscription) :
MA Jiandong, first inscription SU september 2021

Joint supervisor :

Name :

Surname :

Title :

email :

Professional adress :
(site, dresse, bulding, office...)

Research Unit

Name :

Code (ex. UMR xxxx) :

École doctorale

Joint supervisor's doctorate school :

Or, if non SU :

PhD student currently supervised by the joint supervisor (number, year of the first inscription) :



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Description of the research project (ENGLISH):

Ce texte sera diffusé en ligne : il ne doit pas excéder 3 pages et est écrit en interligne simple.

Ce texte est à l'adresse d'étudiantes et étudiants chinois, il doit donc être rédigé en anglais.

Détailler le contexte, l'objectif scientifique, la justification de l'approche scientifique ainsi que l'adéquation à l'initiative/l'Institut.

Le cas échéant, préciser le rôle de chaque encadrant ainsi que les compétences scientifiques apportées. Indiquer les publications/productions des encadrants en lien avec le projet.

Préciser le profil d'étudiant(e) recherché.

**Merci d'enregistrer votre fichier au format PDF et de le nommer :
«CSC_22_Projet NOM Porteur.euse projet »**



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CALENDRIER DE LA CAMPAGNE

26 juillet

Lancement de la campagne

Diffusion de l'appel à projets par les écoles doctorales auprès de leurs encadrantes et encadrants.

Jusqu'au 17 septembre

Les chercheurs/enseignants-chercheurs et chercheuses/enseignantes-chercheuses de Sorbonne Université soumettent des propositions de projets de recherche doctoraux à leur directeur et directrice d'école doctorale (en utilisant le formulaire joint) et à l'adresse suivante :

<https://inscriptions.sorbonne-universite.fr/lime25/index.php/344242?lang=fr>

Jusqu'au 24 septembre

Les écoles doctorales valident le cas échéant les projets et notifie le collège doctoral de leur décision à l'adresse suivante : csc-su@listes.upmc.fr

1er octobre

Mise en ligne des projets validés sur le site web de Sorbonne Université et ouverture des candidatures

<https://www.sorbonne-universite.fr>

Les candidats chinois prennent contact avec les porteurs et porteuses de projets et leur envoient un dossier de candidature.

Les candidates et les candidats déposent leur dossier à l'adresse suivante :

<https://inscriptions.sorbonne-universite.fr/lime25/index.php/383154?newtest=Y&lang=fr>

31 janvier

Fermeture des candidatures

Les porteurs et porteuses de projet ont transmis la candidature retenue après audition des candidates et candidats à leur école doctorale

Jusqu'au 21 février

Après examen, les écoles doctorales envoient les lettres de pré-admission signées et tamponnées des candidats et candidates retenues au collège doctoral

28 février

Le collège doctoral envoie les lettres de pré-admission aux candidates et candidats

Jusqu'au 31 mars

Les candidates et candidats retenus par Sorbonne Université candidate sur le site internet du CSC

31 mai

Diffusion des résultats par le CSC auprès de SU

Envoi résultats aux candidates et candidats ainsi qu'aux porteurs et porteuses de projet

The Concept of Law in the Political Thoughts of Aristotle and Han Fei: A Comparative Study

This research project is a comparative study of the political and juridical theories of two prominent thinkers : the philosopher Aristotle in ancient Greece (fourth century B.C.) and the 'Legalist' Han Fei in ancient China (third century B.C.). Aristotle (384-322 B.C.), the former tutor of Alexander the Great, completed his philosophical works after he opened his school, the Lyceum. His thoughts are renowned for his discussion of legislative ethics under the political framework of his time. Han Fei (died 233 B.C.), a minister of the state of Han also underpinned the salience of politics in establishing the law. Diverging from the virtuous ideal of Confucianism, Han Fei contended that only a powerful state could be granted legislative stability. His legal theory anchored the legislative orientation of the imperial system.

The two philosophers wrote during critical times, which shaped the theoretical frameworks for human knowledge. Their aspirations and attempts make visible the inseparable links between law and philosophy. To this end, it will be necessary to compare Aristotle's *Politics* and *Nicomachean Ethics* with Han Fei's *Han Feizi*.

Although the works of the two thinkers emerged within different geographical and social contexts, they offer a point of convergence. First, the classical era of the ancient Greece of Aristotle (480-323 BC) and that of the Warring Kingdoms of Han Fei (5th century BC-221 BC) were periods that underwent profound evolutions. Vernant asserted 'between Greece and China, the resemblances seemed striking enough for some authors to believe in a kind of convergence of historical development and changes of mentality' (J. Gernet- J.-P. Vernant , « L'Évolution des idées en Chine et en Grèce, du VIe au IIe siècle avant notre ère », *Bulletin de l'Association Guillaume Budé*, n°3, octobre 1964, p. 315). Second, the subject of their work still seems to strike a chord as they are both interested in the concept of law and the role of law in constituting a stable political system. Even though Aristotle's thoughts were broadly connected with diverse political regimes while Han Fei's thoughts were based on the autocratic regime, their *congenial* spirits in searching for the philosophical foundations of legal thought allowed them to build a utopian political and legal system which would shape societies' understanding of law in the political system for centuries to come. Furthermore, their understanding of the relationship between the political system and legal system were similar/identical/sharing common principles, as they saw the law as a rule (cf. Aristotle, *Politics*, IV, 1, 1289a5: « but laws are distinct from the principles of the constitution, and regulate how the magistrates are to govern and to guard against those who transgress them») or a form of order, which is endowed with supreme authority.

This comparative study expects to focus on the concepts of justice. In ancient Greece, justice was described by the term of 'δικαιοσύνη', which is attached to the theories of law and equal to the notion of law. In ancient China, the corresponding

term of justice is *yi* (義), which is more ambiguous and not always homologous to the notion of law.

The thesis will explore the following questions:

- Whether there are other notions in Han Fei's theory of law that can be synonymous to the notion of *δικαιοσύνη* in the theory of Aristotle?
- How do different attributes in the theories of the two thinkers reveal a unique vision of the relationship(s) between the individual (and the state, the authority, and the law)?
- These questions require the methodologies derived from comparative philosophy, comparative law, and contemporary theories. The principles of these approaches would orient with both the cardinal points of the research and the structure of my thesis. First, comparative philosophy helps to 'determine, by an appropriate contextualisation, the differences and the convergences between two paths of thought belonging to distinct linguistic, chronological, cultural and/or geographical horizons, but possibly presenting striking analogies or allowing fruitful connections of meaning.' (Cf. J. Lacrosse « Introduction. La philosophie grecque à l'épreuve de la Chine et de l'Inde », in : *Philosophie Comparée Grèce, Inde, Chine*, Paris, 2005, p. 7). By shedding light on the Chinese legalistic idea of structural balance, the research aims at putting into perspective / being more critical of the unquestioned European assumption that the ultimate goal of law is to administer justice. Moreover, historical and linguistic analyses must be used to integrate these notions into their wider social contexts.
- The candidate will also study the legislative and political aspects of their works from the interdisciplinary perspectives advocated by Constantinesco in *Traité de droit comparé* (Paris, 1972). Thus, the structure of this dissertation is based on the problems in the concept of "État de droit" arising from the British legal concept of the 'rule of law'. Admittedly, the concept of the rule of law is more contemporary, but Costa (« The rule of Law: A historical Introduction », in *The Rule of Law History, Theory and Criticism*, P. Costa -P. Zolo ed., Springer, 2007, p.74) argued that the rule of law was an ontological existence in early history. So, applying this relatively new concept in a historical context is not anachronistic.

In recent years, scholars increasingly compared the works of Greek thinkers with Chinese thinkers. However, the works of Han Fei are often excluded from these analyses because one may intuitively assume that his works served solely the absolutism. Hence, at first glance, Han Fei and Aristotle would seem to be in striking contrast. However, once appropriate methods are chosen, the common ground of their thoughts could be explored. Therefore, this thesis attempts to fill this research gap and open a way to understanding the relationship between rationality and law in the classical period.

The thesis project on the political and legal theory of two thinkers of ancient Greece and China, the philosopher Aristotle (4th century) and the lawyer Han Fei (3rd century BC), will be carried out under the main supervisor Ms. Cristina Viano research director at the CNRS (Center Léon Robin, Sorbonne University), specialist

in Aristotle's thought (in particular, ethics, rhetoric and politics)¹, and the joint supervisor Ms. Anne Cheng, specialist in the intellectual history of China² at the Collège de France and at the EHESS.

Candidate profile: the student must have the necessary skills to achieve this comparative project : namely to have received a solid university training in China in the history of thought from ancient China, followed by studies of Master 1 and 2 in classical humanities in France, and especially in ancient Greek, in history and on Aristotelian political and ethical philosophy.

¹. Cf. C. Viano, Aristotele, *Retorica*, con testo greco a fronte, traduzione, introduzione e note di Cristina Viano, Editori Laterza, Bari-Roma, 2021; C. Viano et C. Darbo-Peschanski (éd.), (*Aitia III*) *Causalité juridique, causalités philosophique*, dossier de *Mètis*, n.s.13 (2015); "Ethical theory and forensic practice: passions and passionate crimes in Plato, Aristotle and Lysias" dans N.M.M.S. Coelho and L. Huppés-Cluysenaer, *Aristotle on Emotions in Law and Politics*, Springer, Dordrecht,, 2018, p. 217-35.

² Cf. A. Cheng, *Histoire de la pensée chinoise*, Éditions du Seuil, 1997; traduction intégrale des [Entretiens de Confucius](#), avec introduction, notes, cartes et chronologie, Paris, [Éditions du Seuil](#), 1981; *Penser en Chine* (ouvrage collectif), Éditions Gallimard, coll. « Folio essais », 2021