

From Pure Procedural Justice to Substantive Justice: Divergent Pathways of Rawlsian Justice in Chinese and Western Procedural Law and Its Prospects in China

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ABSTRACT

John Rawls's *A Theory of Justice* remains one of the most influential works in contemporary political philosophy. Its conception of procedural justice has provided an important normative foundation for the development of modern procedural legal systems, while questions concerning its applicability across different legal and cultural contexts continue to attract scholarly attention. Drawing on institutional practices in criminal procedure, administrative procedure, and civil procedure, this article examines the pathways through which Rawlsian justice has shaped procedural law in both Western jurisdictions and China. It compares the shared features and divergent patterns of implementation in these legal systems and explores the underlying factors that account for such differences, including legal culture, institutional traditions, and broader conceptions of justice. The study argues that Rawlsian theory has contributed to the consolidation of widely accepted procedural principles, such as procedural neutrality and equal participation, in both Chinese and Western legal contexts. At the same time, its reception in China has been characterized by a selective adaptation guided by the primacy of substantive justice. By clarifying the logic of this localized adaptation, the article sheds light on how foreign normative theories can be incorporated into China's procedural rule-of-law development and offers a case study for understanding the cross-cultural transmission of political-philosophical ideas.

Keywords: Rawls's *Theory of Justice*, Procedural justice, Procedural law, China-West comparison, Localization of the Rule of Law.

1. INTRODUCTION

The publication of John Rawls's *A Theory of Justice* in 1971 is widely regarded as a watershed in the revival of contemporary political philosophy. By reconciling the liberal commitment to individual rights with concerns for social fairness, Rawls developed a normative framework in which distributive justice constitutes the substantive foundation of a just society, while procedural justice serves as the institutional mechanism through which that foundation is realized. As a result, his theory has exerted a profound influence not only on political philosophy but also on modern legal thought and the development of procedural legal institutions (S. B. Zhang, 2023; Lü & Yang, 2022).

Drawing upon the contractualist devices of the "original position" and the "veil of ignorance", Rawls formulated a conception of pure procedural justice that seeks to ensure the fairness of outcomes through the fairness of procedures themselves. Rooted in a broadly Kantian understanding of autonomy and moral equality, this framework provides a powerful normative justification for the independent value of procedural law. At the same time, however, its highly idealized assumptions have prompted persistent debates regarding its applicability in diverse legal and cultural settings (Chen & Shu, 2024). The question of whether a theory developed within the context of Western liberalism can be meaningfully adapted to different legal traditions remains a central issue in

contemporary discussions of comparative jurisprudence and legal modernization.

Against this backdrop, the present article examines the influence of Rawlsian procedural justice on three major branches of procedural law—criminal procedure, administrative procedure, and civil procedure—in both Western legal systems and contemporary China. Rather than treating Rawls's theory as an abstract philosophical construct, the article investigates how its core principles have been translated into institutional practice. The analysis focuses on three interrelated dimensions: the theoretical pathways through which Rawlsian ideas have informed procedural law, the common patterns that can be identified across different legal systems, and the factors that account for divergences in their practical implementation.

The study is situated within a broader body of scholarship that has questioned the universalist aspirations of Rawls's theory. Critics have argued that Rawls pays insufficient attention to the diversity of cultural traditions and conceptions of justice, while others contend that his account of international justice leaves limited room for considerations associated with natural justice and local normative practices (Gong, 2025; Gao, 2015). These critiques suggest that the reception of Rawlsian thought cannot be understood apart from the social, cultural, and institutional contexts in which it operates.

By tracing the evolution of Rawlsian procedural ideals across different legal traditions, this article seeks to contribute to the growing literature on the cross-cultural reception of political-philosophical theories. More specifically, it aims to illuminate the mechanisms through which foreign jurisprudential ideas are incorporated into China's rule-of-law development and adapted to local legal conditions. In doing so, the study offers both a comparative perspective on procedural justice and a broader reflection on the relationship between universal normative theories and context-specific legal practices.

2. THE MECHANISMS AND PATHWAYS OF RAWLSIAN JUSTICE IN PROCEDURAL LAW

The incorporation of Rawlsian theory into procedural law is grounded in his tripartite classification of procedural justice as articulated in *A Theory of Justice* (1971): perfect procedural justice, imperfect procedural justice, and pure

procedural justice. Pure procedural justice is conceptualized as a framework in which “there exists no independent criterion of a just outcome, only a correct or fair procedure; if this procedure is properly followed, the resulting outcomes will themselves be just or fair, irrespective of what those outcomes may be”(Rawls,1988, p. 86). This procedural primacy establishes a normative foundation for elevating procedural law above mere subordination to substantive law (Li & Yang, 2021).

Although subsequent refinements acknowledge that the fairness of procedures is partly contingent on substantive outcomes, such modifications do not diminish the practical significance of procedural justice. On the contrary, they expand its applicability by clarifying the relationship between procedural form and substantive content, thereby enhancing its adaptability across distinct legal traditions (Wang, 2023).

In Western legal systems, Rawlsian ideas have been progressively integrated from academic discourse into institutional practice. The emphasis on the intrinsic value of procedural justice aligns with the common law tradition of natural justice as well as the civil law principle of codified procedural safeguards. Pure procedural justice, in this context, provides a compelling rationale for reinforcing the neutrality and equality of litigation processes (Xie, 2024).

By contrast, in the Chinese context, Rawlsian theory entered procedural law reforms during the 1990s, coinciding with broader efforts to modernize legal institutions. Its principles concerning reciprocity in fair procedures and equal consideration of interests resonate with traditional Chinese concepts of justice, such as impartial dispute resolution and balanced allocation of rights, while simultaneously offering resources to address historically dominant tendencies that privileged substantive outcomes over procedural fairness (Zhang, 2012).

Moreover, Rawls' moral justification for formal legal procedures—aimed at limiting the arbitrariness of state power and safeguarding individual freedoms—provides a normative lens through which the values of China's procedural legal system can be evaluated and further refined (Xiong, 2006).

3. CONVERGENT INSTITUTIONAL MANIFESTATIONS OF RAWLSIAN JUSTICE IN CHINESE AND WESTERN PROCEDURAL LAW

This section examines the practical influence of Rawlsian justice on procedural law across three major areas: criminal procedure, administrative procedure, and civil procedure. Rather than focusing solely on theoretical affinities, the analysis highlights how Rawlsian principles have been translated into institutional arrangements across different legal systems. Despite significant differences in legal traditions and political contexts, a number of shared procedural commitments can be identified, reflecting the broad normative appeal of procedural justice.

3.1 *Convergent Patterns in Criminal Procedure: Translating Rawlsian Justice Across Legal Systems*

In criminal procedural law, Rawls's conception of procedural justice functions as a normative benchmark informing the design of institutional safeguards in both Western jurisdictions and China. Procedural fairness is prioritized as an intrinsic value rather than merely as an instrument for achieving substantively correct outcomes. This orientation closely reflects Rawls's notion of pure procedural justice, which posits that the legitimacy of outcomes derives primarily from the fairness of the procedures themselves, even in the absence of independent standards for evaluating substantive correctness (Wang, 2000).

A salient illustration of this convergence is the presumption of innocence, a foundational principle in criminal procedure across jurisdictions. This principle operationalizes Rawls's commitment to protecting structurally disadvantaged actors within institutional arrangements. By allocating the burden of proof to the prosecution and presuming defendants innocent until lawfully convicted, it mitigates the inherent asymmetry of power between individuals and the state, thereby enhancing procedural legitimacy and safeguarding individual rights (Xu, 2016).

This principle is further instantiated in concrete institutional mechanisms. In the United States, the *Miranda v. Arizona* (1966) decision established procedural safeguards requiring suspects to be informed of their rights, thereby reinforcing

procedural equality between prosecution and defense. Similarly, the *2018 amendment to China's Criminal Procedure Law*, which introduced the leniency system for guilty pleas, codifies defendants' right to procedural knowledge, reflecting a parallel commitment to fairness despite differing legal traditions (Guan, 2006). Both cases exemplify how Rawlsian procedural norms inform the structuring of institutional rules to promote equitable participation and legitimacy.

3.2 *Convergent Influences in Administrative Procedure*

Rawlsian principles of justice provide a conceptual foundation for the design of administrative procedural frameworks across both Western and Chinese legal systems. In particular, his emphasis on the universality of due process and the equal participation of all affected parties has fostered a broad normative consensus regarding the core elements of fair administrative procedures. Among the most salient manifestations are the establishment of due process safeguards and the widespread institutionalization of administrative hearing mechanisms. According to Rawls, just procedures must "apply equally to all persons occupying comparable positions" (Tang, 2024), a principle that directly addresses the administrative law imperative to constrain the arbitrary exercise of public power while protecting the procedural rights of affected parties.

In practice, hearing procedures in both Western and Chinese legal contexts operationalize Rawls's ideal of equal participation. Whether in the form of licensing or policy consultation hearings in Western jurisdictions, or administrative penalty and major public project hearings in China, these mechanisms consistently ensure that participants enjoy equal procedural standing, have opportunities to present arguments, and that decision-making processes are transparent and publicly accountable. The underlying logic is that procedural fairness enhances the legitimacy and social acceptability of administrative decisions (Feng, 2008).

Examining specific institutional examples further illuminates this convergence. Under the *United States Administrative Procedure Act* framework, environmental impact assessment hearings require the active participation of diverse stakeholders, including local residents, community organizations, and environmental advocacy groups. Decisions must be grounded in the evidence and arguments submitted during these hearings,

ensuring that procedural equality safeguards the interests of less powerful groups against the potential dominance of abstract public interests. Similarly, China's recent initiatives in urban renewal, land-use planning, and metropolitan transportation development incorporate public hearing procedures that obligate decision-makers to consider the views of affected residents and stakeholders. Although these practices emerge from distinct institutional contexts, they share a common normative aim: to balance collective and individual interests through inclusive procedural arrangements. Both systems exemplify how procedural fairness, rooted in Rawlsian principles, contributes to the legitimacy and acceptability of administrative governance.

Collectively, these practices suggest that Rawlsian ideas have fostered a shared understanding of administrative justice across legal systems. While the institutional forms may vary, both Western and Chinese administrative frameworks increasingly recognize that the legitimacy of public authority is dependent not only on substantive outcomes but also on the fairness and inclusiveness of the processes that produce those outcomes.

3.3 Convergence in Civil Procedure: Equality, Agency, and the Procedural Realization of Justice

The affinity between Rawlsian justice and modern civil procedure is particularly evident in their shared commitment to two normative ideals: fair equality of opportunity and respect for individual agency. Although civil procedural systems differ significantly across jurisdictions, they are united by a common objective—to ensure that individuals are able to assert, defend, and vindicate their rights through procedures that are fair, impartial, and equally accessible. In this sense, civil procedure serves not merely as a technical mechanism for dispute resolution but as an institutional expression of a broader conception of justice.

One of the clearest manifestations of this convergence is the principle of equality of parties, which occupies a foundational position in both civil law and common law traditions. Courts are expected to accord equal procedural standing to litigants and to evaluate their claims, evidence, and arguments according to the same legal standards. Any procedural advantage derived from social status, political influence, economic power, or other

extraneous factors is generally regarded as inconsistent with the rule of law. This commitment closely mirrors Rawls's rejection of morally arbitrary determinants of social advantage. Just as individuals in the original position are deprived of knowledge that might privilege their interests, civil procedure seeks to neutralize irrelevant inequalities that could distort the fair adjudication of disputes.

Beyond formal equality, Rawlsian ideas also resonate with the increasing emphasis placed on litigants' procedural agency. Contemporary procedural systems are no longer understood solely as mechanisms through which courts discover legal truth. They are also designed to ensure that parties are able to participate meaningfully in the process through which decisions affecting their rights are made. From a Rawlsian perspective, such participation possesses intrinsic value because it reflects the moral status of individuals as free and equal persons capable of advancing and defending their own interests within a fair institutional framework.

This normative orientation can be observed in efforts to promote consistency and predictability in adjudication. In several civil law jurisdictions, including Brazil, procedural reforms have incorporated mechanisms governing the use of judicial precedents in order to ensure that similar cases receive similar treatment. The objective extends beyond judicial efficiency. By reducing arbitrariness and enhancing predictability, such mechanisms strengthen litigants' confidence that procedural outcomes will not depend upon the identity of the decision-maker but upon publicly accessible legal standards. In this respect, procedural consistency functions as an important dimension of justice itself.

A comparable development can be observed in China. Recent reforms, including the *2023 amendments to the Civil Procedure Law* and the Supreme People's Court's system for the retrieval of similar cases, have sought to strengthen procedural participation while promoting greater coherence in judicial decision-making. Although these reforms emerged from China's own legal modernization process rather than from a direct adoption of Rawlsian theory, they nevertheless reflect concerns that are closely aligned with Rawls's account of procedural justice: equal participation, impartial adjudication, and protection against arbitrary decision-making. The reception of Rawlsian thought in China has therefore been characterized less by straightforward

transplantation than by selective adaptation within a distinct legal and institutional context (Zhang, 2008).

Viewed more broadly, the development of civil procedure in both Western jurisdictions and China reveals a shared aspiration to secure justice through fair procedures rather than through outcomes alone. The increasing emphasis on equality of parties, procedural participation, and consistency in adjudication suggests that procedural fairness has become an independent normative value within modern legal systems. This convergence helps explain why Rawls's theory continues to offer a powerful framework for understanding the evolution of civil procedural institutions across diverse legal traditions. Rather than prescribing particular procedural rules, Rawlsian justice provides a set of normative principles through which the legitimacy of those rules can be evaluated and justified.

4. DIVERGENT TRAJECTORIES OF RAWLSIAN JUSTICE IN CHINESE AND WESTERN PROCEDURAL LAW

Despite the significant areas of convergence discussed above, the reception of Rawlsian justice has followed markedly different trajectories in Western and Chinese procedural law. These differences are not merely institutional; they reflect deeper divergences in legal culture, political philosophy, and competing understandings of the relationship between procedure and justice.

In Western legal systems, Rawls's theory has largely been absorbed at the level of foundational legal values. His conception of pure procedural justice resonates strongly with existing traditions of due process, natural justice, and procedural legality, thereby reinforcing the view that procedural fairness possesses intrinsic normative significance independent of substantive outcomes. As a result, Rawlsian ideas have contributed to the strengthening of procedural safeguards across a range of legal contexts, including the presumption of innocence in criminal proceedings, the expansion of hearing rights in administrative decision-making, and the refinement of equality-based protections in civil litigation.

Yet this reception has not been free from criticism. A long-standing debate within legal and political philosophy concerns whether procedural correctness can itself constitute justice. Critics

argue that excessive reliance on procedural legitimacy risks transforming procedure from a means of achieving justice into an end in itself. From this perspective, a procedurally flawless decision may nevertheless produce outcomes that are substantively unfair. The assumption that fair procedures necessarily generate just outcomes therefore remains contested (Zhang, 2015). Such critiques expose a persistent tension within liberal legal theory between procedural autonomy and substantive conceptions of justice.

China's engagement with Rawlsian thought has followed a different path. Rather than embracing pure procedural justice as a comprehensive normative framework, Chinese procedural law has tended to incorporate Rawlsian insights selectively and pragmatically. Principles such as procedural neutrality, transparency, equal participation, and protection against arbitrary exercises of public power have informed important legal reforms, including the institutionalization of administrative hearings and the development of exclusionary rules for illegally obtained evidence in criminal proceedings. At the same time, these reforms have generally been justified not on the ground that procedure possesses independent value, but because fair procedures are viewed as essential mechanisms for achieving substantively just outcomes.

This distinction is significant. Within the dominant discourse of Chinese legal scholarship, procedural justice is rarely regarded as wholly autonomous from substantive justice. Instead, procedure is commonly understood as serving broader social objectives, including the protection of public interests, the maintenance of social order, and the realization of substantive fairness. Consequently, Rawls's theory has exerted its greatest influence at the level of institutional design rather than at the level of overarching legal philosophy. What has been adopted are specific procedural principles, not necessarily the full normative architecture within which those principles were originally embedded.

The divergent reception of Rawlsian justice can be traced to differences in legal culture and historical development. In Western legal traditions, the ideal of procedural fairness predates Rawls by centuries. Concepts such as natural justice, due process, and the rule of law had already established procedure as a central criterion of legal legitimacy. Rawls's contribution therefore consisted primarily in providing a sophisticated philosophical justification for commitments that were already

deeply rooted within legal practice. The transition from theory to institution was consequently relatively seamless.

By contrast, China's legal tradition has historically attached greater importance to the substantive resolution of disputes than to the formal integrity of procedural mechanisms. Although contemporary procedural reforms have significantly enhanced the status of procedural safeguards, the legitimacy of legal institutions continues to be assessed largely in terms of their capacity to produce socially desirable outcomes. Under these conditions, a conception of pure procedural justice detached from substantive considerations is unlikely to gain widespread acceptance.

Political and constitutional contexts further reinforce these differences. Liberal constitutional systems generally place strong emphasis on the protection of individual rights and the limitation of state power. Rawls's concern with liberty, equality, and fair cooperation therefore aligns closely with the normative assumptions underlying these

systems. China's legal development, by contrast, has traditionally emphasized the coordination of individual and collective interests and has tended to evaluate justice in terms of broader social fairness and public welfare. The adaptation of Rawlsian theory within China should therefore be understood not as a process of simple transplantation but as one of normative reconstruction, in which universal procedural principles are reinterpreted through local legal traditions and institutional priorities.

Viewed from a comparative perspective, the most important difference is not whether procedural justice is valued, but how it is valued. Western legal systems generally treat procedural fairness as an autonomous source of legitimacy, whereas Chinese procedural law tends to regard it as an indispensable means of realizing substantive justice. This distinction explains why the same Rawlsian principles can generate similar institutional reforms while simultaneously producing different normative understandings of the role of procedure within the legal order.

Table 1. Comparison of the implementation of Rawlsian justice in Western and Chinese procedural law

Comparison Dimension	Western Procedural Law System	Chinese Procedural Law System
Differences in Reception	Integration at the level of overarching values; the concept of pure procedural justice is directly embedded into existing procedural rules	Selective reception; applied primarily as reference for specific rules rather than as a foundation for the overall value system
Differences in Practical Implementation	Strengthened the presumption of innocence in criminal proceedings, institutionalized administrative hearings, refined equality rights in civil proceedings; however, some procedural rules became cumbersome, and substantive justice was sometimes subordinated to procedure, leading to debates about conflating justice with procedural correctness	Absorbed principles of procedural neutrality and equal participation of stakeholders, legislated administrative hearings, established rules excluding illegally obtained evidence in criminal procedure; procedural justice remains subordinate to substantive justice, without adopting the theoretical premise that procedure precedes substance
Cultural Foundations of Differences	Deep-rooted tradition of natural justice; Rawlsian theory serves as a philosophical refinement of existing practices, facilitating smooth adaptation	Legal culture prioritizes substantive justice, with an entrenched 'substance over procedure' mindset; procedural law development focuses on addressing social issues and safeguarding public interests, rejecting pure procedural justice detached from substantive fairness
Institutional Logic of Differences	Legal framework emphasizes individual rights; Rawls's concern for individual liberty and equality aligns closely with this orientation	Legal development seeks a balance between collective and individual interests; justice is evaluated in terms of social fairness, leading to adaptive modification of Rawlsian theory
Differences in Pathways to Realizing Justice	Secures democracy and fairness through litigation and formal rationality, treating procedure as a core right	Resolves disputes locally through mediation, reasoning, and other mechanisms, aiming to harmonize universal, moral, and practical principles

5. NORMATIVE PATHWAYS FOR ADAPTING RAWLSIAN JUSTICE IN THE DEVELOPMENT OF PROCEDURAL RULE OF LAW IN CHINA

The selective localization of Rawlsian procedural justice offers several normative pathways for strengthening China's procedural rule of law. First, China may draw upon Rawls's argument for procedural consistency by integrating uniform standards into the design of criminal, administrative, and civil procedures. Ensuring coherent procedural application reduces arbitrariness and enhances predictability, thereby aligning with Rawlsian principles while meeting practical demands for formal fairness in Chinese procedural reform.

Second, Rawls's analysis of procedure as a mechanism for constraining discretionary power provides guidance for institutional design. Expanding public participation in administrative processes and reinforcing litigants' rights in judicial proceedings can operationalize procedural justice as a necessary support for substantive fairness. This approach avoids the extremes of procedural formalism while addressing gaps in traditional procedural safeguards, ensuring that procedures function effectively to uphold just outcomes.

Finally, emerging digital governance contexts highlight the relevance of Rawlsian principles for algorithmic decision-making. Core elements of procedural justice—neutrality, transparency, accountability, and public accessibility—can be embedded into the construction of algorithmic due process, including requirements for decision transparency, human oversight, and mechanisms of accountability. Such measures strengthen public trust, balance individual rights with collective interests, and foster the concurrent realization of procedural and substantive justice in technologically mediated contexts. Moreover, the Rawlsian emphasis on the stability of a sense of justice provides a theoretical foundation for designing procedural rules that enhance social confidence in the legal system while accommodating the evolving challenges of the digital era.

In sum, the principal value of Rawlsian procedural justice for China lies in identifying universally resonant procedural principles and adapting them to the local institutional and socio-legal context. This strategy preserves the normative

appeal of Rawlsian ideals while allowing for practical, context-sensitive implementation, offering a coherent framework for procedural reform in both conventional and emerging governance scenarios.

6. CONCLUSION

This article has examined the influence of Rawls's theory of justice on the development of procedural law in Western jurisdictions and China, focusing on the areas of criminal procedure, administrative procedure, and civil procedure. The analysis demonstrates that Rawlsian ideas have generated a significant degree of normative convergence across different legal traditions. Principles such as procedural neutrality, equal participation, transparency, and constraints on arbitrary exercises of power have become widely accepted components of modern procedural law. In this sense, Rawls's theory has provided more than a philosophical account of justice; it has supplied a normative language through which legal systems articulate and justify the legitimacy of procedural institutions.

At the same time, the comparative evidence suggests that the influence of Rawlsian justice cannot be understood as a process of uniform diffusion. Although similar procedural principles have emerged in different legal systems, they have been embedded within distinct normative structures and institutional logics. In Western jurisdictions, Rawls's theory reinforced an existing tradition that treats procedural fairness as an autonomous source of legal legitimacy. In China, by contrast, procedural justice has generally been incorporated within a broader commitment to substantive fairness and social governance. What differs, therefore, is not the recognition of procedural values themselves, but the place those values occupy within the broader architecture of justice.

This distinction carries broader implications for comparative legal studies. The reception of Rawlsian justice illustrates that political-philosophical theories do not simply migrate from one legal system to another in their original form. Rather, they undergo processes of interpretation, adaptation, and reconstruction as they encounter different legal cultures and institutional environments. The relationship between legal theory and legal development is therefore neither linear nor deterministic. Universal normative principles acquire practical significance only through their interaction with historically situated

institutions and locally embedded understandings of justice.

Viewed from this perspective, the Chinese experience should not be understood merely as a localized response to a Western theory. Instead, it represents an example of how global normative ideas can be selectively incorporated into alternative legal traditions while retaining their capacity to inform institutional reform. The resulting model neither reproduces Rawlsian procedural justice in its original form nor rejects it outright. Rather, it demonstrates the possibility of reconciling universal procedural values with distinct legal and political priorities. This process of normative adaptation highlights the continuing relevance of comparative inquiry in an increasingly interconnected legal world.

More fundamentally, the comparison undertaken in this study suggests that the enduring significance of Rawls's theory lies less in any specific institutional prescription than in its capacity to frame enduring questions concerning the relationship between procedure, legitimacy, and justice. Legal systems may disagree on the relative weight that should be assigned to procedural and substantive considerations, yet they continue to confront the same underlying challenge: how to create institutions that exercise public authority fairly while maintaining public confidence in their legitimacy. It is precisely because this challenge transcends particular legal traditions that Rawls's theory remains an important point of reference in contemporary debates on procedural law.

As legal governance increasingly extends into new domains—including digital administration, algorithmic decision-making, and data-driven regulation—the questions raised by Rawls regarding fairness, equality, and institutional justification are likely to acquire renewed significance. Future research may therefore move beyond traditional procedural settings and explore how the normative foundations of procedural justice can be reinterpreted in response to emerging forms of governance. Such inquiries would not only deepen our understanding of Rawlsian theory itself but also contribute to the development of more inclusive and legitimate procedural frameworks for the twenty-first century.

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