

# On the Combination of Ruling the Country by Law and Ruling the Country by Virtue

Yi Ren \*

School of Physics and Astronomy, Shanghai Jiao Tong University, Dongchuan Road, Minhang District, Shanghai, China

\* Corresponding author: Yi Ren

**Abstract:** The Fourth Plenary Session of the 18th Central Committee of the core administrative department adopted the decision of the core administrative department Central Committee on several major issues of comprehensively promoting the rule of law. The decision pointed out that the overall goal of comprehensively promoting the rule of law was to build a socialist legal system with Chinese characteristics and a socialist country under the rule of law. In order to achieve this general goal, one of the principles that must be adhered to is to adhere to the combination of ruling the country by law and ruling the country by virtue. The author made an in-depth analysis and reflection on this principle, and mainly discussed the philosophical implication, main reasons and possible ways of adhering to this principle in this paper.

**Keywords:** ruling the country by law; ruling the country by virtue; combination; philosophical implication; main cause; possible path

## 1. Introduction

Ruling the country by law and ruling the country by virtue can be said to be two different strategies for governing the country, both of which have their own advantages and disadvantages. In the process of governing the country and society, the combination of the two strategies above can make them realize complementary advantages, so as to give full play to their overall roles, so as to achieve their best effects on national and social governance. The decision pointed out that the overall goal of comprehensively promoting the rule of law was to build a socialist legal system with Chinese characteristics and a socialist country under the rule of law. In order to achieve this general goal, one of the principles that must be adhered to is to adhere to the combination of ruling the country by law and ruling the country by virtue [1]. It is necessary and of great practical significance to adhere to this principle. In the following, the author mainly discussed the philosophical implication, main reasons and possible paths of adhering to this principle.

## 2. Comprehensively Promote the Rule of Law and Adhere to the Philosophical Implication of the Combination of Rule of Law and Rule of Virtue

### 2.1. It Embodied the Golden Mean in Chinese Traditional Philosophy

The doctrine of the mean was an important thought in Chinese traditional philosophy. It was first put forward by Confucius, and later Cheng Yi of the Northern Song Dynasty gave full play to this thought. The so-called golden mean, Cheng Yi explained, "It was not biased, it was not easy to use, the middle was the right way in the world, and the golden mean was the theorem in the world". This means that compromise and invariance were the truth that all things are just [2]. The essence of the golden mean was to take a compromise and impartial state between the two extremes when thinking about problems and doing things, that was, "promise and adhere to them". In the process of social governance, if the "rule of law" was fully implemented, that was, relying solely on the law to regulate the operation of the society, all the behaviors of social members would be completely restricted and bound by the external mandatory and heteronomous norms of the law, and all behaviors in social life must comply with the inevitability, so the freedom of action would be completely lost, then the whole society would be in danger and lose its vitality. This was an extreme state of social governance; On the contrary, if the "rule of virtue" was fully implemented, that was, people only rely on morality to regulate the operation of society, then people are completely free in addition to the non-mandatory and self-discipline constraints of morality. The state and society have no external constraints on each social member, and people would be at a loss what to do in society, the evil factors in human nature will be completely released and revealed, and the whole society would fall into chaos. This was the other extreme of social governance, which was just opposite to the above situation. In short, relying solely on law and morality could be said to be two extremes, which couldn't achieve the best effect of social governance. According to the golden mean, we should take an intermediate state and combine the two, so as to realize their complementary advantages and achieve the best effect of social governance. Adhering to the combination of ruling the country by law and ruling the country by virtue embodied the golden mean of Chinese traditional philosophy.

### 2.2. It Embodied the Fundamental Spirit of Kant's Philosophy in Western Philosophy

The theme of Kant's philosophy was to reconcile the contradiction between necessity and freedom, or the contradiction between reason and freedom. Its fundamental spirit was to limit rationality and leave a place for freedom [3]. Kant believed that if people's rational ability expanded infinitely, so as to realize the essence and law of all things, then for people, everything in the real world was inevitable, and people would lose freedom. On the contrary, if we restricted people's rational ability, we could leave space for people's freedom. People could use their free will to act freely in areas that cannot be recognized by rational ability. In the social governance system, law could be said to be the product of human rationality, while morality was more the product of human experience. The field of law could be said to be the field of using rationality, which reflected the human rational ability and the inevitability of social regulation; the moral field could be said to be the field of using will, which reflected human free will and freedom in social regulation. Ruling the country by law and governing the country by law, then everything was inevitable in the field of law, and people had no freedom. People's behavior should be completely restricted by the external and mandatory norms of law, and must be subject to the external binding force of law. In the field of morality, people were free except for the non-mandatory constraints of morality. People's behavior was only restricted by the self-discipline and non-mandatory norms of morality. People could use their free will to consciously restrict and regulate their behavior. If we only relied on law to govern the country, people would completely lose their freedom under the heavy pressure of law. On the contrary, if we only relied on morality to govern the country, people would be completely free without any external constraints. The contradiction between law and morality also reflected the contradiction between rationality and freedom. Governing the country according to law, governing the country with law, that was, using people's rational ability to govern the country; the rule of virtue was to use people's free will to govern the country. Kant advocated to reconcile the contradiction between reason and freedom, limit reason and leave a place for freedom. From the perspective of social governance, we also need to reconcile the contradiction between rationality and freedom, limit rationality and leave space for freedom. Specifically, we should reconcile the contradiction between law and morality, and combine the rule of law and the rule of virtue, so as to make them play a better role in their respective fields and better regulate the operation of the whole society. In short, the combination of ruling the country by law and ruling the country by virtue also embodied the fundamental spirit of Kant's philosophy to some extent.

### 2.3. It Embodied the Thought of Materialist Dialectics in Marxist Philosophy

The core of materialist dialectics in Marxist philosophy lay in the law of unity of opposites or law of contradiction [4]. An important methodological enlightenment from the law of contradiction was to think

and do things from the point of view of two-point theory. In a social regulatory system, law and morality could be said to be a pair of contradictions. There was a relationship of unity of opposites between the two. Its antagonism lay in the different nature and function of the two: law was a mandatory and heteronomy norm, mainly relying on legal sanction to play its role. Morality was a non-mandatory and self-discipline norm, which mainly played a role through moral evaluation and public opinion condemnation. It was a combination of prior adjustment and post-adjustment. Their unity lay in that they are both two aspects of the social norm system and have the function of social regulation. Moreover, there was a complementary relationship between the two in function: law could provide compulsory guarantee for morality, and morality could provide moral support for law. In short, according to the two-point theory, we should combine the two. The combination of ruling the country by law and ruling the country by virtue also embodied the dialectics of Marxist philosophy.

### 3. To Comprehensively Promote the Rule of Law, We Must Adhere to the Combination of Rule of Law and Rule of Virtue

#### 3.1. This is a Wise Choice for Dialectical Analysis of the Relationship between Law and Morality

From the perspective of jurisprudence, there are connections and differences between law and morality. From the perspective of connection, some moral norms have legal effect, and the law also embodies a certain moral spirit. From the perspective of difference, the two mainly have the following differences. From the scope of adjustment, the scope of legal adjustment is only the social relations evaluated and guaranteed by the state, while morality covers almost all social relations; From the perspective of adjustment mechanism, law is mainly an external and post adjustment, which plays a role by force, while morality is mainly an internal adjustment, which combines prior adjustment and post adjustment, which mainly plays a role by people's self-discipline; From the content of adjustment, the legal adjustment is mainly the relationship between rights and obligations, and the moral adjustment is mainly the individual's obligations. In terms of strength, the legal binding force is stronger and the moral binding force is weaker; From the perspective of content system, law is a written normative system, the development mechanism of which lies in the reflection on existing social problems and the adjustment of its own content. In addition, the content of law often lags behind the needs of economic and social development. Morality is mostly an unwritten normative system. It is more flexible and generally not easy to be outdated. It can better meet the needs of economic and social development [5].

#### 3.2. This is a Reasonable Reference for China's Historical Experience in Governing the Country

In China's long history, most of the governing strategies adopted by successive monarchs were

“morality first and punishment second”. In essence, this strategy was the ruling method of the combination of rule by courtesy and moralization and government order and punishment. It played an important role in maintaining feudal rule. To some extent, it was similar to current rule by law and rule by virtue. Historical experience, as long as it is effective, can be used for reference and absorbed. To comprehensively promote the rule of law, we must adhere to the combination of the rule of law and the rule of virtue, which is also a reference for the reasonable elements in the historical experience of China’s governance.

### 3.3. This is a Realistic Countermeasure to Analyze the Current Situation of Social Governance in China

Analyzing the current situation of governance in China, there are two main problems as follows. First, on the whole, the construction of the rule of law in China is not perfect, people’s awareness of abiding by the law and concept of the rule of law are still weak, and their ability of using the law needs to be improved. Second, with the development of market economy, the impulse to pursue profits in people’s hearts has been fully awakened and manifested, and there have been some phenomena of moral decline in the process of economic and social development. The status of morality in people’s mind has declined. Relying on it alone cannot effectively adjust people’s behavior and standardize social order. Therefore, based on the first question, when the construction of the rule of law in China is not mature, we must adhere to the rule of virtue and rely on morality to regulate the operation of society. At the same time, we must also strengthen the construction of the rule of law. Based on the second question, in the case of moral decline and functional failure, we must adhere to the rule of law, strengthen the construction of the rule of law, and use strong laws to regulate the development and operation of economy and society. In short, we must adhere to the combination of ruling the country by law and ruling the country by virtue.

## 4. In The Process of Comprehensively Promoting the Rule of Law, We Should Adhere to the Possible Path of Combining the Rule of Law with the Rule of Virtue

Adhering to the combination of ruling the country by law and ruling the country by virtue is only an important principle to be adhered to in the process of comprehensively promoting the rule of law. After all, the principle is still relatively general and broad, and we must and can implement it. On the possible path of adhering to the combination of rule of law and rule of virtue, we can explore and think from the following three levels.

### 4.1. At the National Level, We Should Combine “Rule of Law” with “Rule of Virtue”

The rule of law means ruling the country by law, and the rule of virtue means ruling the country by virtue. At the national level, we should adhere to the combination of rule of law and rule of virtue. Specifically, we can start from the following two aspects.

On the one hand, to govern the country according to law, we should do well in the following points.

First, we should do a good job in legislation. Specifically, the first is to improve the legal system with the constitution as the core and strengthen the implementation of the constitution. At the same time, we should also improve the laws, regulations and rules at different levels of various localities and departments. The second is to improve the legislative system and further promote scientific and democratic legislation. Finally, we should strengthen legislation in key areas and solve prominent social problems.

Second, we should do a good job in law enforcement. Specifically, we should enable the government to administer according to law, accelerate the establishment of a government under the rule of law, perform government functions according to law, improve the decision-making mechanism according to law, deepen the reform of the administrative law enforcement system, and strengthen the restriction and supervision of administrative power.

Third, we should do a good job in judicial work. Specifically, we should improve the judicial management system and the operation mechanism of judicial power, ensure judicial independence, strengthen the supervision of judicial activities and maintain judicial justice [1]. Fourth, we should do a good job in popularizing the law. Specifically, state functionaries, especially leading cadres, should take the lead in learning the law and abide by the law in an exemplary manner, improve the system of law learning and usage for state functionaries, include constitutional laws in the learning contents of the central group of the core administrative department committees or the core administrative departments groups, and list them as compulsory courses in the core administrative departments schools, administrative colleges, cadre colleges and socialist colleges. In addition, bring law education into the national education system, starting with teenagers, and set up law knowledge courses in primary and secondary schools. Furthermore, we should improve the mechanism of publicity and education for law popularization. The core administrative departments committees and governments at all levels should strengthen their leadership over law popularization. Publicity, culture and education departments should play a functional role in law popularization education [1].

On the other hand, to govern the country by virtue, we should do the following three points.

First, we should make state functionaries, especially leading cadres, take the lead in strengthening moral cultivation and exemplary compliance with morality, improve the moral cultivation system for state functionaries, and include social ethics, professional ethics, family virtues and personal morality in the learning contents of the central group of the core administrative department committees and groups as a compulsory course in the cadre training system; Second, we should bring moral education into the national education system and set up moral education courses in primary and secondary schools [1]; Third, we should use

the mainstream media to strengthen moral publicity and education, especially do a good job in the selection of moral models and the publicity of their moral deeds, and carry forward the main theme.

#### 4.2. At the Social Level, We Should Combine the Popularization of Law with the Promotion of Morality

At the social level, we should adhere to the combination of rule of law and rule of virtue. Specifically, we can start from the following two aspects.

On the one hand, to popularize the law, we should do well in the following four points.

First, we should include education in the rule of law in the building of spiritual civilization, carry out mass cultural activities in the rule of law, and improve the media public welfare law popularization system, strengthen the application of new media and new technologies in law popularization, strengthen the publicity and education of law popularization, constantly improve people's legal awareness and concept of the rule of law, make respecting and abiding by the law a common pursuit and conscious action of all the people, and make people abide by, use and protect the law on the basis of learning and knowing the law. Second, we should carry out in-depth multi-level and multi form activities to create the rule of law, deepen the governance of grass-roots organizations, departments and industries according to law, and support the self-discipline and self-management of various social subjects. Meanwhile, we should give full play to the positive role of social norms such as citizen conventions, township regulations and people's conventions, industrial regulations and group articles of association in social governance. Third, we should give play to the positive role of people's organizations and social organizations in the construction of a society ruled by law, and give play to the role of social organizations in guiding their members' behavior, restricting rules and safeguarding their rights and interests. [1] Fourth, schools should be used as a kind of channels to do a good job in the publicity and education of law popularization among young people by setting up courses on the knowledge of the rule of law.

On the other hand, to carry forward morality, we should do the following three points.

First, we should incorporate moral education into the creation of spiritual civilization, carry out mass moral and cultural activities, improve the system of media public welfare publicity of morality, strengthen the application of new media and new technologies in moral publicity, and improve the effectiveness of moral publicity. Second, we should strengthen the moral construction of citizens, carry forward the traditional virtues of the Chinese nation, strengthen moral awareness, advocate the spirit of abiding by morality, carry forward public order and good customs, guide people to consciously fulfill social morality, professional ethics and family virtues, and create a good social fashion and moral atmosphere. Third, we should do a good job in moral publicity and education through schools, mass media, social organizations and other organizations and channels.

#### 4.3. At the Individual Level, We Should Combine Abiding by the Law with Abiding by Morality

At the individual level, we should adhere to the combination of rule of law and rule of virtue. Specifically, we can start from the following two aspects.

On the one hand, individuals should abide by the law and do the following two points.

First, individuals should consciously learn and understand the law, enhance their legal awareness and concept of the rule of law, establish their thinking of the rule of law, consciously abide by the law, correctly use and bravely protect the law on the basis of knowing and understanding the law. Second, as family members, individuals should strengthen the publicity and education of law popularization within their capabilities, improve the legal awareness and concept of the rule of law of family members, and enable them to consciously abide by the law, correctly use the law and bravely protect the law on the basis of knowing and understanding the law.

On the other hand, individuals should also abide by morality. Specifically, they should do well in the following two points.

First, individuals should consciously strengthen their moral cultivation, enhance their awareness of morality, improve their moral level and cultivate good moral conduct. Second, as family members, individuals should consciously strengthen moral publicity and education within their ability, improve the moral cultivation and moral awareness of family members, create a good moral atmosphere in the family, and set a good moral example for family members with their own moral words and deeds.

### 5. Conclusion

In short, to comprehensively promote the rule of law, we must adhere to the combination of rule of law and rule of virtue. This is a reasonable principle that not only draws lessons from historical experience, but also conforms to the actual situation, but also has great philosophical wisdom. To adhere to this principle, we must not only pay attention to the normative role of law, but also pay attention to the educational role of morality, embody the moral concept with the rule of law, strengthen the role of law in promoting moral construction, nourish the spirit of the rule of law with morality, strengthen the supporting role of morality in the culture of the rule of law, and realize that law and morality complement each other and the rule of law and morality complement each other. To implement this principle, from the perspective of actors, it also requires the joint efforts of the state, society and individuals. It can be said that comprehensively promoting the rule of law is not only a great strategic project, but also an arduous practical task. There is a long way to go. We must meet the difficulties and make concerted efforts to realize this great strategy as soon as possible.

### Reference

- [1] Central Literature Research Office. *Selected important documents since the 18th National Congress (Part 2)*;

- Central Literature Publishing House: Beijing, China, 2016; pp. 155–181.
- [2] The Teaching and Research Office of the History of Chinese philosophy, Department of Philosophy, Peking University. *History of Chinese Philosophy (Vol. 1)*, 1st ed; Zhonghua Book Company: Beijing, China, 1980.
- [3] Zhiwei Zhang. *History of Western Philosophy*, 1st ed; Renmin University Press: Beijing, China, 2002.
- [4] Central Compilation and Translation Bureau. Complete works of Lenin (*Vol. 55*); People's Publishing House: Beijing, China, 1990; p. 192.
- [5] Wenxian Zhang. *Jurisprudence*, 1st ed; Higher Education Press: Beijing, China, 1999.