### The Implications of Zhu Xi's Idea of Combining "De" and "Fa" (Virtue and Law) in Contemporary China's Rule of Law Construction

#### Wenxi Zhou<sup>1</sup>, Pinghua Liu<sup>2,\*</sup>

<sup>1</sup>College of Chinese Language and Literature, Fujian Normal University, Fuzhou, Fujian, China <sup>2</sup>School of General Education, Guangdong University of Science and Technology, Dongguan, Guangdong, China \*Corresponding Author

Abstract: Zhu Xi is a highly influential Confucian thinker in Chinese history, and his legal thoughts still hold profound significance for the progress of China's rule of law construction. Zhu Xi believed that governance bv virtue (Dezhi) and governance by law (Fazhi) should complement each other, and the joint implementation of the two is the key to achieving social harmony and stability. Governance by virtue aims to guide people's behavior through moral education, promoting the sound operation of social order, while governance by law focuses on regulating behavior through legal means to ensure social justice. In Zhu Xi's view, governance by virtue provides a moral foundation for governance by law, and governance by law concretizes and strengthens the effects of governance by virtue. Therefore, Zhu Xi emphasized the complementarity of governance by virtue and governance by law, arguing that only by attaching equal importance to both can social order and stability be effectively maintained. Zhu Xi's philosophy of integrating virtue and law offers important insights for promoting the self-discipline of modern social members, forming a sound social moral ethos, and advancing comprehensive social progress, and is of great significance for the deepened development of contemporary China's rule of law construction.

Keywords: Zhu Xi; Rule of Law; Governance through Virtue; Integration of Virtue and Law; Rule of Law Construction

#### 1. Introduction

Zhu Xi was the master synthesizer of

Song-Ming Neo-Confucianism and one of the most influential philosophers in the history of Chinese philosophy [1]. His ideology is revered as "Zhuzi Learning" [2]. As a renowned thinker and great Confucian scholar in Chinese history, his doctrines have exerted profound influence not only on Chinese thought, culture, and society but also "produced significant impacts in the history of Chinese legal thought" [3]. In particular, his propositions and reflections on governance by virtue (Dezhi) and governance by law (Fazhi) have deeply influenced China's rule of law construction.

Research Background: In recent years, with the continuous deepening and improvement of China's rule of law construction, an increasing number of scholars have turned their attention to the legal ideas and values embedded in traditional Chinese thought. Zhu Xi's concept of combining virtue and law not only represents an important legal resource in traditional Chinese thought but also holds profound implications for contemporary China's rule of law construction. Hence, this paper chooses to investigate "The Implications of Zhu Xi's Idea of Combining Virtue and Law for Contemporary China's Rule of Law Construction."

Literature Review: Research on Zhu Xi's thought of integrating virtue and law has accumulated both domestically and internationally. Domestic studies mainly focus on interpreting Zhu Xi's original works and analyzing their historical roles, while foreign studies emphasize comparisons with Western legal thoughts and their applications in modern law.

Research Significance: This paper aims to explore the enlightenment of Zhu Xi's virtue-law integration thought for

contemporary China's rule of law construction, thereby providing new perspectives and directions for promoting rule of law. Firstly, emphasizing the complementary bv relationship between virtue and law, this ideology clarifies the value orientation and spiritual support for China's rule of law construction. Secondly, Zhu Xi's thought, which emphasizes the unity of heaven and humanity and respect for human nature, offers a new methodology and philosophy for solving legal issues. Finally, this paper focuses on the practical needs of contemporary rule of law construction, combining the spiritual core and value orientation of Zhu Xi's thought to explore its applications and significance in modern legal practice.

Research Methods and Framework: This study primarily employs documentary research, historical comparison, and systematic analysis. Specifically, it will comb through literature on Zhu Xi's legal thoughts, compare and analyze the commonalities and differences between his ideas and modern rule of law concepts, and discuss their implications and lessons for contemporary China's rule of law construction through specific case studies.

In summary, Zhu Xi's legal thoughts hold profound implications for contemporary China's rule of law construction. Only by centering on the people and emphasizing respect for human nature and the law can the goal of building a rule of law society be truly achieved. This paper will elaborate on the connotations of the virtue-law main integration theory, including the integration of emotion into law, the concept of precautionary vigilance, and the principle of strict foundations with lenient application.

#### 2. The Main Connotations of Zhu Xi's Thought of "Combining Virtue (De) and Law (Fa)"

Through long-term political practice and reflection, Zhu Xi developed a legal philosophy of "combining virtue (De) and law (Fa)." This approach integrates moral standards and a spiritual foundation for voluntary compliance with legal norms and institutional safeguards for law enforcement supervision. Under modern social conditions, Zhu Xi's concept of integrating virtue and law still holds profound enlightenment for China's rule of law construction. On the relationship between governance by virtue and governance by law, Zhu Xi stated:

"Governance (Zheng) embodies legal norms; legal norms cannot be established without punishment. Thus, those who guide the people through governance must regulate them with punishment. Virtue (De) embodies moral principles; moral principles cannot be implemented without rituals. Thus, those who guide the people through virtue must unify them with rituals. The distinction between these two approaches defines the difference between the royal way (Wang) and the hegemonic way (Bo). Rulers must deliberate carefully on this, as it is the key to rectifying the ruler and stabilizing the state" [4].

Zhu Xi argued that while laws can deter people from breaking the law out of fear, they cannot eliminate the underlying desire to do evil, thus failing to fundamentally transform social customs or achieve the ideal of a harmonious society with clean governance. Therefore, rulers should first "guide the people with virtue and unify them with rituals" (The Analects Wei Zheng), using ritual and moral education to fundamentally enhance citizens' moral character and enable them to voluntarily observe laws. Legal punishment should only be applied as a warning when individuals disregard persuasion and commit crimes. The main connotations of Zhu Xi's philosophy are discussed from three perspectives.

First, Zhu Xi emphasized the mutual complementarity of morality and law. He viewed morality and law as inseparable, with morality serving as the foundation for regulating behavior and law as the tool for maintaining social order. Together, they enhance social governance by balancing ethical guidance and legal constraints. In contemporary China's rule of law construction. this complementarity is reflected in respecting individual dignity and rights, upholding fairness and justice, promoting moral education, and improving legal implementation to ensure both efficacy and equity.

Second, Zhu Xi inherited Confucius' emphasis on "governing by virtue," placing moral education at the core of governance [5]. This requires leaders and administrators to model correct moral values and cultivate virtue. In modern contexts, governing by virtue involves strengthening ethical education in public morality, professional ethics, and family virtues, while enhancing anti-corruption to improve leaders' sense of efforts responsibility and ensure good governance. philosophy Xi's Third, Zhu provides theoretical guidance for exploring rational social governance models. It emphasizes respecting human rights, protecting public interests, and leveraging the combined power of morality and law. This necessitates not only advancing the rule of law but also innovating governance models—such as using technology to improve government services, empowering community self-governance, and integrating corporate management and civil society into a public governance system-to promote modern and scientific social governance.

In summary, Zhu Xi's concept of integrating virtue and law offers critical theoretical insights for contemporary China's rule of law construction, emphasizing the synergy between morality and law, the primacy of virtue in governance, and the exploration of adaptive governance models. Implementing these principles requires concrete measures to advance the rule of law system, modernize governance, and foster national comprehensive social development.

# 2.1 Integration of Emotion into Law (*Rongqing Yufa*)

The enlightenment of Zhu Xi's thought of integrating virtue and law for modern China's rule of law construction can be discussed from multiple perspectives, among which "integrating emotions into law" (Rongqing Yufa) is a significant aspect. In Zhu Xi's philosophy, virtue and law are not only complementary but also inherently connected at a deeper level—this connection transcends the mere relationship between morality and law, embodying the idea of infusing human emotions into the legal system.

The relationship between emotion and law is an age-old yet ever-relevant proposition, with debates continuing to this day. In 2002, Liu Qingping questioning the concept of "mutual concealment among kin," triggering a major academic debate in China on the relationship between emotion and law [6]. The proposition of "mutual concealment among kin" originates from *The Analects Zilu*:

Ye Gong said to Confucius, "In my village, there is an upright person. When his father stole a sheep, the son reported him." Confucius replied, "In my village, uprightness is different: fathers conceal their sons, and sons conceal their fathers. Uprightness lies therein" [7].

Human emotions are feelings triggered by external stimuli, rooted in human nature and influenced by the environment, encompassing familial love, romantic love, friendship, brotherly affection, benevolence, and more. Zhu Xi argued that to fully understand "fathers and sons conceal each other, and uprightness lies therein," one must consider both human emotions (Renging) and universal principles (Tianli). Emotionally, a son reporting his father violates human feelings and thus cannot be called "upright"; morally, such an act violates Tianli and is also not "upright." In Zhu Xi's view, a son reporting his father for stealing a sheep is neither emotionally nor morally justifiable. Why did Confucius not directly assert that "mutual concealment between fathers and sons is upright" but instead said "uprightness lies therein"? As Zhu Xi explained, "Mutual concealment between fathers and sons is not inherently upright, but 'uprightness lies within it'"[8], indicating that he viewed "mutual concealment" not as uprightness itself but as a reasonable choice for a son facing his father's wrongdoing. Therefore, interpreting "mutual concealment between fathers and sons" literally is insufficient; one must interpret the classics through the classics and ask: What does the son do after concealing his father's mistake? According to Confucian ethics, if parents err, children should admonish them to correct their faults, and it is in this process that uprightness is realized.

Zhu Xi's concept of integrating emotions into law means infusing emotional factors into political and legal domains to manifest the humanity and benevolence of the law through emotions. In contemporary China, where rule of law construction is a major national goal, the humanistic spirit embodied in this idea holds significant enlightenment for China's rule of law development. It suggests that while advancing the rule of law, we must not lose sight of the humanity and sense of justice behind the law. When formulating laws and regulations, considerations of public opinion, social psychology, and human emotions should be integrated to make laws more aligned with societal expectations and better serve the people. For example, in environmental protection, legislation should prioritize public interests, urging government departments to emphasize social responsibility and public health.

The idea of "integrating emotions into law" emphasizes that while upholding legal fairness and justice, laws should not be applied rigidly or mechanically. Instead, legal implementation should be contextualized, interpreting the spirit and essence of the law to align with human nature and social ethics, thereby earning public trust and respect for the rule of law. The essence of judicial practice lies not only in adjudicating disputes but also in meeting societal expectations and serving social fairness and justice. This perspective recognizes that law is not merely a tool for resolving conflicts and punishing violations but a process for embracing collective social values and balancing diverse interests. Legal officials must safeguard both the solemnity of the law and the dignity and rights of every citizen to maximize legal fairness and justice.

The concept of "integrating emotions into law" requires a people-centered approach, integrating law into social life to form a "law with warmth," thereby strengthening societal recognition and support for the rule of law and enhancing the nation's social civilization. Moreover, this concept reveals that rule of law construction is not merely about formulating written clauses but involves deeply understanding, respecting, protecting, and guiding citizens' behavior.

### 2.2 Precautionary Vigilance (*Jingjie Wuyu*)

Zhu Xi's thought of integrating virtue and law represents his pursuit of harmony between the ideas of governance by virtue and governance by law, aiming to achieve social harmony and national prosperity through self-cultivation, family regulation, state governance, and world peace. Confucianism has always advocated "the world belongs to the public," and as an orthodox inheritor of Confucianism, Zhu Xi naturally upheld the principle of "legislation for the public good" [9]. Within this framework, his emphasis on "*Jingjie Wuyu*" (vigilance against potential dangers) is a crucial concept, without which the ideal of "public governance" cannot be truly realized.

The idea of "Jingjie Wuyu" originates from the

Shangshu Dayu Mo, which states: "Ah! Be cautious! Maintain vigilance against misfortune and do not violate laws and regulations. Do not indulge in ease or pleasure. Employ virtuous officials without doubt; eliminate evil without hesitation. Do not pursue dubious plans; ensure all aspirations are harmonious. Do not violate the Tao to seek public praise, nor defy the people to satisfy personal desires. Be diligent and never slack, and all nations will come to pay homage." [10] This essentially means that by avoiding the disruption of legal systems and refraining from indulgence, constant vigilance can prevent future troubles. Zhu Xi inherited this idea, stressing that governance must establish legal norms, enforce strict compliance, ensure officials adhere to the law, and punish all violations to prevent impunity, thereby safeguarding social order.

As recorded in the Zhuzi Yulei (Classified Conversations of Master Zhu), Zhu Xi stated:

"From 'vigilance against misfortune' to 'satisfying personal desires,' the words of sages are inherently interconnected. In this passage, 'vigilance against misfortune' is mentioned first, meaning order should be maintained before chaos arises and the state protected before crises emerge. Only through constant vigilance can we avoid violating laws, indulging in ease, or pursuing pleasure. Without such vigilance, it is impossible to avoid legal violations and decadence" [11].

This highlights the importance of vigilance for rulers. Although the political environment of Zhu Xi's era (Southern Song Dynasty) was relatively tolerant, the centralized system made rulers' moral conduct profoundly impactful. If rulers lacked vigilance and indulged in vice, legal systems would inevitably be undermined. As "leaders set the example, subordinates follow," disregard for laws by those in power would lead to widespread noncompliance, violating Zhu Xi's principle of "legislation for the public good."

*"Jingjie Wuyu*" emphasizes two key principles of the rule of law: First, *"jingjie"* (vigilance) means laws should serve as a deterrent, making people wary of illegal acts and reducing crime. Strict law enforcement and punishment of violations can effectively prevent wrongdoing and maintain social justice. Second, *"wuyu"* (no misfortune) requires laws to comprehensively and fairly regulate all aspects of society, not only punishing individual violations but also reforming social institutions and organizations to ensure societal operations within a legal framework.

In Zhu Xi's thought of integrating virtue and law, "Jingjie Wuyu" embodies a profound and pragmatic perspective. It emphasizes proactive vigilance and reform to avoid dangers, guiding society to maintain alertness and prevent potential issues, thus ensuring stability through foresight. This concept represents a forward-looking governance philosophy, advocating that governments should proactively design reasonable policies and institutions in legislation, law enforcement, and justice to prevent problems. Such foresight and initiative are essential to minimize social chaos and conflicts. In today's context, with technological advancement and globalization bringing new legal and ethical challenges—such as cyber fraud, data breaches, and AI ethics-advance planning and risk prevention are critical to avoiding major societal harms.

In summary, "*Jingjie Wuyu*" conveys a people-centered and forward-looking concept of the rule of law. It inspires us that in addressing real-world issues, we must not only respond to emergencies but also predict future challenges and take proactive measures to promote social stability and development.

# 2.3 Strict Foundations with Lenient Application (*Yanben Kuanji*)

Zhu Xi's ideology of integrating virtue and law constitutes a pivotal component of ancient Chinese Confucian culture, holding a unique position in traditional Chinese legal culture. Among its core tenets, "strict foundations with lenient application" (Yanben Kuanii) embodies a central principle of his philosophy, with Zhu Xi explicitly defining the balance between severity and leniency as "taking severity as the foundation and leniency as the supplement." This concept carries significant implications for contemporary China's rule of law construction.

The Classified Conversations of Master Zhu (Zhuzi Yulei) records Zhu Xi's views on "strict foundations with lenient application":

"Ancient governance was fundamentally rooted in leniency, but today it is necessary to emphasize strictness as a corrective. Only through such correction can balance be achieved. Excessive leniency today has led to a lack of order, with control over priorities and discretion lost. As a result, cunning elites prevail while ordinary people neither benefit nor suffer justly" [12].

Zhu Xi argued that governing society through laws and penalties should prioritize strictness as the foundation, supplemented by leniency. During the Southern Song Dynasty, improper sentencing-such as lenient punishment for serious crimes-was prevalent. In response, Zhu Xi advocated strict law enforcement: "Once laws are promulgated, penalties must not be relaxed. Without enforcement, laws become mere decorations." However, he also warned against unchecked severity, which could lead to abuse of power, emphasizing the need for leniency to complement strictness. Only by balancing severity and mercy could justice be served—punishing the guilty while protecting the innocent. Zhu Xi viewed the primary purpose of law as "upholding natural principles (Tianli) and suppressing human desires," aiming to safeguard public welfare and social security. Thus, he opposed blind leniency, arguing that "excessive leniency weakens social morality, fosters rebellion, and increases litigation" [13]. Only by establishing strictness as the foundation could criminals be deterred, allowing ordinary citizens to live in peace.

Zhu Xi's "strict foundations" did not equate to arbitrary punishment but rather aimed to "instill reverence for the law through strict legal concepts, cultivating an aversion to litigation" [14]. He emphasized that "sages do not prioritize resolving disputes but value preventing them" (The Analects Yan Yuan), asserting that the ultimate goal of criminal justice was to achieve "no litigation" (*Wusong*) [15]. While advocating "governance based on leniency" and "compassion as the foundation" as the essence of sage legislation [16], he stressed caution in punishment, reflecting his integrative philosophy. Zhu Xi's "leniency" was conditional: "When doubt arises in conviction, lean toward leniency; when doubt arises in rewarding merit, lean toward generosity." This meant "leniency" did not imply reducing penalties in practice but rather prioritizing moral education over punishment in governance [17]. His ultimate goal was "to carefully distinguish right and wrong, ensuring

the guilty are punished and the innocent spared," principles that remain both rational and applicable to contemporary rule of law [18].

For modern China, Zhu Xi's concept of "strict foundations with lenient application" offers three key insights:

Balancing Strict Enforcement and Humanitarianism: In constructing a modern rule of law state, legal authority must be fully upheld, with violators strictly sanctioned. Judicial organs must strengthen legal interpretation, adjudication, and enforcement to ensure correct application of laws, enhance public trust in justice, and consolidate the culture of rule of law.

Harmonizing Fairness and Dignity: Legal application must prioritize fairness while protecting the human dignity of all parties. Judicial practices should adopt balanced approaches, ensuring justice is served while respecting the dignity of litigants, thereby strengthening public trust in the legal system.

Preventing Conflicts Through Legal Awareness: The state should promote legal literacy and foster a culture of rule of law to reduce criminal behavior. Increased investment in legal education and public services can enhance citizens' understanding of the law, proactively preventing disputes.

Zhu Xi's philosophy advocates strict handling of fundamental issues to address root causes while adopting leniency for non-critical matters. This approach emphasizes distinguishing priorities in governance, guiding societies to uphold principles in key areas while embracing tolerance in minor matters, thus fostering harmony amid diversity.

In summary, the concept of "strict foundations with lenient application" enriches contemporary approaches to conflict resolution, urging adherence to principles in critical issues and flexibility in secondary matters. This balance between firmness and compassion provides a timeless framework for achieving social harmony and development.

# 3. Contemporary Enlightenments of Zhu Xi's Thought

Zhu Xi's philosophy of "integrating virtue and law" provides a highly relevant model for institutional improvement and moral construction, offering profound enlightenment for contemporary society.

First, this philosophy emphasizes the close integration of morality and law, which is particularly vital today. With societal development, awareness of rules and the rule of law has grown increasingly important. However, relying solely on "governance by law" is insufficient, as law cannot cover all scenarios—especially micro-level behaviors related to personal morality, professional ethics, and other areas that are difficult to regulate through legal means. In such cases, morality plays a critical role. By promoting moral self-discipline and education, citizens can learn to manage and restrain themselves, enhancing their moral qualities while providing a ethical foundation for public consensus on legal compliance. Moral education also enables citizens to make morally sound choices in areas beyond legal reach, rather than acting arbitrarily.

Second, the idea of "integrating virtue and law" offers guidance for the exercise of power, particularly in the conduct of civil servants. "Governance by virtue," in Zhu Xi's view, involves moral self-cultivation and influencing others through ethical example, while law" "governance by emphasizes systematization, standardization, and rigid enforcement of explicit rules. This dual approach requires enhancing civil servants' professional ethics and public service spirit while ensuring they perform their duties strictly within legal boundaries.

Additionally, this philosophy advocates for a "virtue-integrity" approach to talent selection, emphasizing both moral character and competence. Fair and just selection mechanisms, coupled with strengthened anti-corruption efforts, are essential to prevent dishonesty and fraud, avoiding the problem of "prioritizing talent over virtue."

Furthermore, Zhu Xi's philosophy encourages the cultivation of positive social customs. He argued that individual moral cultivation can influence and transform the surrounding environment, gradually fostering an excellent work atmosphere and social ethos. In today's context—particularly regarding environmental protection and civic engagement—it calls for every citizen to take the initiative in promoting good social conduct.

In summary, Zhu Xi's thought on "integrating virtue and law" remains widely and deeply

influential. Beyond mere power balance, it underscores the importance of moral self-discipline for individual and social order. This ancient wisdom undoubtedly provides practical solutions to many of today's societal challenges.

### 4. Conclusion

This paper primarily explores the enlightenment of Zhu Xi's concept of "integrating virtue and law" for contemporary China's rule of law construction based on his legal thoughts. The study shows that Zhu Xi's legal ideology emphasizes the combination of moral ethics (governance by virtue) and institutional norms (governance by law), which holds significant implications for modern China's rule of law development.

First, although contemporary China's rule of law construction has made substantial progress since reform and opening-up, several challenges persist: (1) insufficient safeguards for the judicial system; (2) widespread inequities in law application, such as deviations caused by regional disparities or official ranks; (3) a need to enhance national legal awareness. Drawing on Zhu Xi's philosophy of integrating virtue and law, potential solutions include: (1) prioritizing legal education and promotion to ensure broader public understanding of legal principles; (2) deepening judicial reforms to advance judicial independence and improve fairness and efficiency; (3) strengthening rights protection through legal mechanisms that ensure equitable and accessible law enforcement.

Second, governance by virtue and governance by law are mutually reinforcing. Embracing the spirit of "governing the country by law and virtue" is essential to building a high-quality rule of law society. Educating citizens about the complementarity of law and morality is crucial for maintaining social order and stability. Zhu Xi's emphasis on the primacy of virtue and moral self-discipline offers important insights for contemporary rule of law practices.

Third, Zhu Xi's thought highlights the relationship between norms and human nature, opposing mechanistic legal institutionalization and advocating humanized and optimized legal systems. This is highly relevant today, as China faces increasingly complex social issues arising from rapid development. While robust legal norms and strict enforcement are necessary to maintain order, laws must be formulated with respect for human nature. Trust in human goodness is essential to curbing violence and chaos. Additionally, legal development and implementation should prioritize the protection of vulnerable groups and the realization of fairness and justice to humanize legal institutions.

Finally, China's rule of law system faces challenges, including: (1) insufficient respect for law among some local officials, leading to excessive or abusive administrative discretion and lax enforcement; (2) inadequate judicial independence, with frequent administrative interference in court and procuratorate decisions; (3) low civic legal awareness, with many lacking the habit of seeking legal demonstrating solutions and limited engagement with legal culture. Zhu Xi's "integration of virtue and law" provides a constructive framework:

Virtue as Moral Guidance: Officials must exemplify moral integrity and public service, combining virtue and competence to model respect for the law and promote correct legal concepts. Governments and administrators should foster a society of integrity and fairness through moral influence.

Law as Institutional Constraint: Strict law enforcement is critical to social order and justice, requiring a fair legal system accepted by all. Judicial independence must be institutionally guaranteed to ensure impartiality in police, prosecutorial, and judicial practices.

Citizen Education: Public education should enhance legal awareness, framing law compliance not just as a duty but as a path to justice, fairness, freedom, and equality. Moral education complements law by shaping ethical norms in areas beyond legal reach.

The essence of Zhu Xi's philosophy lies in the integrated cultivation of virtue and law, where the two interact to achieve social order through moral guidance and legal norms. Only by uniting law and morality can a nation establish a sound rule of law system.

In conclusion, Zhu Xi's thought on integrating virtue and law holds a significant place in Chinese traditional culture and offers profound enlightenment for contemporary rule of law construction. Embracing the wisdom of traditional culture, strengthening legal thinking, and emphasizing the combination of virtue and law will contribute to building a stable, harmonious, and civilized society under the rule of law.

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