

# The Moral Support of Rule of Law: the Organic Unity of Virtue and Rule

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**Abstract**—Law can make the world stable, while morality can appease people. The rule of law and the rule of virtue are indispensable, just like two wheels of a car and two wings of bird. And the construction of rule of law needs the support and cooperation of morality. Without morality, the construction of rule of law may be alienated as a tool to oppress the people. The effective function of morality in supporting the rule of law mainly depends on the organic unity of internal virtue and external rules. By analyzing the dilemma of internal virtue and external rules in the process of moral construction, this paper further sums up the cross factors of internalization and externalization that influence the construction of moral system, and puts forward reasonable ways to construct moral system from the perspective of virtue and rule, so as to make full use of moral support for the rule of law.

**Keywords**—morality; the construction of rule of law; internal virtue; external rules

## I. INTRODUCTION

Just as an odd Chinese saying goes: “Using political means to govern people and using punishment to rectify people, the people will only seek to be free from crime, but not have a shameful heart; while using morality to govern them and using ethics to rectify them, the people will not only have a shameful heart, but they will also be reconciled.” The truth behind the above old saying is that it is not enough to rely solely on the law during the process of social governance, but also to draw support from the internal morality. As Dworkin believes that “when a society that implements the rule of law is not on the basis of moral resources, even if it claims itself as ‘a society ruled by law’, it is still not a real rule of law society” [1]. Therefore, The construction of the law society should not only pay attention to the normative role of law to improve the moral system and strengthen the promotion of law on moral construction, but also play the role of moral education to nourish the rule of law and strengthen the basic role of morality in the construction of the rule of law [2].

Specific to China, the ideal rule of law must also be based on the ideal rule of virtue. In a word, the benign operation of the whole complex social system and the construction of a society ruled by law must depend on the combination of the legal system and the moral system. Moral system mainly includes internal virtue and external rules.

The system of virtue orientation advocates that virtue leads people's behavior but ignores the external rules of morality; while the system from the perspective of rule orientation advocates the regulation of individual behavior by rules, but ignores the inherent virtue of morality. Only through the combination of internalization and externalization can build a perfect moral system, promote the formation of a society based on rule of law, and realize the governing strategy of combination rule of law and rule of virtue, in order to achieve the best effect of governance.

## II. INTERNAL FACTORS OF THE CONSTRUCTION OF MORAL SYSTEM — THE DEVIATION OF VIRTUE

Inner virtue is in a dominant position, which stipulates the content of morality and is also the hidden inner power that leads people to the truth, goodness and beauty. Virtue can also be interpreted as good, and vice versa. Therefore, people can better understand virtue. In the other word, the so-called virtues are the qualities that enable evil to be overcome and guarantee people to fulfill his or her mission and complete his or her journey [3]. To be specific, people should not be blinded by "the immediate benefits" in life, because human have perfect moral values in heart.

Only when a person possesses virtue can people say he or she is a moral person; on the contrary, there is no moral value if a person does not possess virtue. And only when a society has virtue can it function properly. Just as said in the book of songs, if rulers have a great virtue, all countries would loyal to him. For oneself, for the society, for the country, virtue is indispensable. The five thousand years of Chinese civilization has always emphasized that “inwardly speaking, it is necessary to restrain one’s unreasonable desires; to the outside, one should be polite and courteous” and “one should follow his own mind and not violate the rules”. However, a series of behaviors that go beyond the rules and harm the public morals are not only due to the imperfection of the "external law", but also due to the deviation of people's "internal virtue". The construction of moral system by virtue within, the establishment of a correct view of virtue and the exertion of virtue are of great significance to the improvement of the moral realm of the subject.

### III. EXTERNAL FACTORS IN THE CONSTRUCTION OF MORAL SYSTEM — THE REAL DILEMMA OF RULES

If the compass is not right, the graph that is drawn by it cannot be square; and if the compass is not right, the graph drawn cannot be round either. The hidden meaning of this sentence is that people should realize that there must be certain rules; otherwise nothing can reach the expected value. "Everything has its own rules of operation, and these rules cannot be violated. Crossing the boundaries and doing non-conforming behavior will lead us to destruction". These sentences convey an important message: whether it is to cultivate one's morality and regulate one's family, or to govern the country and the world, it is necessary to have clear rules and practice the rule of law. In real life, there are all kinds of rules. Why there are still all kinds of moral misconduct? It is not that there is no rule, but it is that people don't show respect to them. On the one hand, it is because the cost of violation is low and even the benefit of violation is much greater than the cost of violation that people choose to violate the rules or the law. In our daily life, there are often some indecent behaviors that violate public morality but do not constitute a crime, so the subjects of these behaviors often show a face of "what can you do to me?" resulting in the impunity of the law.

Another rule dilemma is the uncertainty of the rules. As conditions vary from place to place in China, different regions may formulate rules in line with local conditions. These rules are a patchwork of rules that do not constitute a system, and there are uncertain shade zones. If all the legal rules have uncertain shadow zones, then in the specific case of these shadow zones, the application of the rules is not a logical process, and the existence of "shadow zones" will lead to many problems being confused [4].

### IV. ANALYSIS OF INTERNAL AND EXTERNAL CROSS FACTORS IN THE CONSTRUCTION OF MORAL SYSTEM

The construction of socialist morality includes a normative system with different levels of virtue and rules: the former is an internal norm, which means "what kind of person one should be"; the latter is an external norm, meaning "how to behave". In order to comprehensively analyze the factors influencing the construction of moral system, this paper also summarizes the factors influencing the construction of moral system based on the mutual cross effect of internal virtue and external rules.

#### A. *The Factors of Moral Dissolution*

The so-called moral dissolution mechanism refers to various cognitive and psychological mechanisms that can break down or weaken the binding force of moral principles on immoral behaviors [5]. In short, the moral contract termination mechanism means that people seek for "reasonable" reasons from the perspectives of behavior itself, the behavior object and the behavior consequence like justifiable defense, emergency risk aversion and social assistance from various perspectives, in order to defend themselves from public opinion and moral attack. This kind of dispensation is affected by both internal virtue and

external rules. It is the deviation of personal inner virtue and the absence or insufficient strength of external rules that provide the existence space for moral contract termination, leading people to find excuses for their moral misconduct through various means of "contract termination" and get rid of social condemnation. The main means includes euphemistic demarcation, buck-passing or decentralization of responsibility.

First of all, euphemism demarcation refers to defending oneself through different expressions of language so as to get rid of the moral attack of the public. As human language is a magic art, different expression way has different effects. It is precisely because of the flexibility and artistry of language that it is great possible to make immoral behavior. If different expression way is used to describe the same thing, the opposite effect may be got. Taking the same four words as an example, if described as "many battles, many defeats", this will make people think that someone is more brave than wise; if described as "many defeats, many battles", while it gives a positive energy. Therefore, by speaking in a different way, even if the evil act may become benevolent, and then the subject of the act is free from moral guilt because of that expression way [6]. However, all of the above taking about is to find excuses for one's own moral failings, so that he can detach himself from his own moral guilt, which is just self-deception.

Another way of "moral dissolution mechanism" is buck-passing and decentralization of responsibility. If the subject of responsibility for the result of a crime caused by an illegal act is not clear, then there will be more and more violations of discipline. Similarly, if the subject of responsibility for the adverse consequences caused by an immoral act is not clear, the violations of public order and good customs will be countless. The unclear subject of responsibility can be divided into two types: buck-passing and decentralization. Buck-passing is to shift the responsibility of individual misconduct onto others, so as to free oneself from social public opinion, moral binding force and legal binding force. And responsibility decentralization is mainly aimed at collective behavior, that is, the responsibility for the consequences of an act is shared by multiple subjects. Since "the law cannot be enforced when everyone is an offender" is a typical way of responsibility decentralization. From "Chinese style of crossing road", downloading pirated music and video online, to stars signing Yin and Yang contracts and evading tax payment, etc., all of these is because there are too many illegal people and the responsibility is dispersed.

#### B. *The Difficulty of Ethical Behavior*

"A person who does one or another ethical thing can't say that he has virtue. Only when this behavior becomes a fixed element in his character can he be said moral". [7] Just like Mao Zedong once said: "it is not difficult for a person to do a good deed. It is difficult to do good things in a lifetime without doing bad things." Ethical behavior is valuable and accompanied by difficulties. But why is moral behavior so difficult to form?

First of all, the difficulty of moral behavior is because internal morality and external rules have weaker constraints on moral behavior. The behavior of "Chinese-style crossing the road" and the behavior of "doing nothing in the face of the justice" are not only because "the law does not blame the public", but also because of the herd mentality of the social group. The more people there are, the lower possibility of bystanders will participate. Due to the congregational psychology, it will not only cause the dispersion of responsibility in the crowd occasion, but the presence of others may also become a factor in suppressing the motives of moral behavior. The decentralization of responsibility caused by conformity is precisely caused by the deviation of personal inner virtue or inadequacy of external rules as discussed above, as well as the mutual cross influence of internal virtue and external rules, thus providing the existence space for these immoral behaviors.

Second, it is not only because shaping good morals requires personal noble qualities, but the formation of good morality also depends on a certain social environment, which makes it difficult to do ethical behavior all the time. As Marx said, "the results of every revolution and revolution are determined by these relationships (social relations) and needs". [8] The moral choice of a person is determined by the social environment. Hence, morality is not fixed, but varies with the context structure.

#### V. ADHERING TO "INTERNAL AND EXTERNAL COMBINATION": THE POSSIBLE PATH TO BUILD A MORAL SYSTEM

The formation of a person's morality has different levels: the first level is the inner nature, that is, the virtue; the second level is the external nature, that is, the rules of behavior. The virtue is in a dominant position, deciding the content of moral bottom line rules and leading people to the high level of truth, goodness and beauty. It represents people's character, embodies personal value orientation and penetrates into people's soul. And the rule is in the main body status and is the human society's basic request and the basic behavior standard, guiding people how to behave concretely, paying attention to person's outward expression. Due to the plight of the inner virtue and external rules as well as the cross influence of the two, only through the combination of internal and external, can it be available to build a moral system in the true sense, put an end to the moral anomie behavior, promote the moral construction, provide strong moral support for the construction of the rule of law and promote the formation of the rule of law society.

##### A. Valuing the Fundamental Power of Inner Virtue

Virtue is powerful. According to Kant: "virtue is the moral force of the will", which is a kind of power and strength [9]. The power of virtue is not only a true portrayal of people's essential power, but also a portrayal of people's essential power formed in social practice. The power of virtue is the deep exertion of the essential power of man. On the one hand, as a manifestation of man's essential power, it is because the power of virtue is the inherent and hidden inherent power of man's natural nature. On the other hand,

the power of virtue is also the realization of value as the essential power of human beings. This power of virtue realizes its value meaning in human's practical activities and becomes a universal way of self-affirmation. Therefore, the essential power of human always shows the power of its virtue. Paying attention to the power of virtue and rebuilding moral belief is one of the ways out of the predicament of modern morality.

At the same time, under the guidance of "the promotion of Virtue and Law", the study of social governance should not only pay attention to the power of virtue, but also arouse the value of virtue. From the perspective of the length of history, the Chinese civilization is the only civilization in the world civilization that has not been interrupted and has continued to develop for 5,000 years. The Chinese nation has enriched the "virtue" in the long history. In order to revitalize the new vitality in the new era, it is necessary to activate its "value genes" and inspire its positive elements that conform to the characteristics and requirements of the times, so that it can be integrated with the spirit of the times and merge into the blood of the times. From the perspective of the breadth of history, "Virtue" as a part of the Chinese traditional culture should be truly a "living culture" of the new era and give full play to its era value.

##### B. Playing the Safeguard Function of Exterior Regulation

1) *Strong institutional guarantee*: First, there are laws to be used as the basis for action. Legal system construction and spiritual civilization construction complement each other. Only by building strong institutional guarantee, improving the public security system, and eliminating worries for those who stand out bravely, can the movement of truth, goodness and beauty be played in the whole society.

Secondly, only through forming a system of strict prevention and punishment, strengthening publicity of the rule of law, and improving the management mechanism can it be available to ensure public traffic safety jointly. The exact treatment of the symptoms is to cure the fundamental problem. The governance of bullying behavior should be done from the source, not only to increase the moral cost of bullying, but also to play the role of laws and regulations. The lack of understanding and respect for rules and rules are trampled on, which will not only affect the social public order, but also affect the improvement of our country's legal society.

2) *Strict discipline and punishment backing*: Enabling people know the etiquette, which can influence them; using the fair law to govern them and using punishment to ban their wrongdoing, which can let people respect rules and laws. In order to eliminate the various kinds of violence that people encounter in their daily lives from the source, moral condemnation alone is far from enough. Breaking rules should pay a corresponding "price" for the purpose of ensuring people comply with the rules. The reason why the majority of people choose to comply with the law and regulations is that breaking the law will lead to death penalty, life imprisonment and other serious consequences. However,

if a person violates morality, he or she will not be greatly punished. As is known to all, the law does not represent all rules. Apart from it, there is also ethics. Then why the behavior of "Chinese style crossing the road" will happen and why the "touching porcelain" behavior has always existed? The reason behind these is that the "cost" of breaking the rules is not high, and sometimes people will receive "unexpected surprises". These uncivilized behaviors seriously affect the fear of rules. Hence, it is necessary to give negative evaluation to stop the behavior of breaking rules.

## VI. CONCLUSION

Morality is not only the need for the development of social civilization, but also the need for individual survival, development and improvement. In the new era, people must adhere to the organic unity of morality and external rules, effectively play the role of morality in strengthening the foundation of the rule of law, and cultivate the social civilization subject of moral self-discipline. Because people become more self-disciplined morally, the more likely they will act in accordance with ethical principles and the less likely they will touch the bottom line of rules and the moral [10]. Once the dignity of law is challenged, the bottom line of morality is broken, virtue is swallowed up, and rules are shaken, morality will fall, and virtue will be corrupted, which will ultimately affect the life of social fairness and justice and hinder the construction of a society ruled by law. Give full play to the interaction between the law and morality, by strengthening the rule of law with morality and strengthening the rule of virtue with law. Only through the restriction of rules and the unity of inner virtue, can it be available to truly build people's inner moral system, play a supporting role of morality in the rule of law, and achieve social harmony and stability.

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