

## On the Contemporary Value of Confucian and Legalist National Governance Thought in the Pre Qin Period

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### Abstract

China's culture has a long history and is unique. In order to solve the current problems, we must draw nutrition from our traditional culture. The thoughts of Confucianism and Legalism in the pre Qin period, as the origin of national governance thoughts in the past two thousand years of Chinese civilization, can provide ideological enlightenment for modern national governance: first, we should pay attention to the rule of law and strive to promote the modernization of national governance The second is to pay attention to the rule of virtue and build a harmonious society with stable moral order; the third is to adhere to the simultaneous development of justice and interest and treat the relationship between justice and interest dialectically; the fourth is to adhere to the combination of rule of law and rule of law.

### Keywords

Confucian; Legalists; State; Contemporary Value.

### 1. Pay Attention to the Rule of Law and Strive to Build A Socialist Society Ruled By Law

By combing the state governance thought of the pre Qin Confucianism and Legalists, we can extract the essence and remove the dross, and we can find the way of modern national governance from the traditional culture, and help to realize the modernization of national governance.

In the spring and Autumn period, Guan Zhong and Zi chan were the pioneers of legalism, and they pioneered the thought of rule of law. Li Yi, Shang Yang, Shen Dao and Shen Buhai were the founders. Among them, Shang Yang, Shen Dao and Shen Buhai respectively put forward the emphasis on law, power and technique. Han Fei was the master of Legalist thoughts. He inherited and developed the thought of Legalists before, and put forward the idea of ruling the country by law, combining law, technique and potential. Han Fei believes that law is the foundation of governing the country. Therefore, the rule of law is the only way to govern the people. When the law changes with the time, it will be cured; when the law changes with the world, it will be meritorious. Although Legalists' thought of rule of law is for the purpose of maintaining feudal rule, it also contains the consciousness of equal rights. Legalists emphasize that there is no privilege in front of the law, there is no social grade bonus, reward and punishment should be treated equally. The construction of modern rule of law must also adhere to the principle that everyone is equal before the law. At present, the idea of privilege is still very popular. In order to promote economic development unilaterally, some localities have issued some red headed documents, created extra legal privileges, given priority protection to some enterprises with serious pollution, provided special protection for some personnel, and exempted persons and vehicles from inspection, so as to exempt them from punishment. This

seriously damaged the authority of the law and hindered the establishment of a country ruled by law. If there is a strong public and private law to abide by, there must be a clear law enforcement in our country. Legalists' view of history is developing, and the law is not unchangeable. It is not necessary to strictly abide by the old rules. Modern legislation also needs to adjust measures to the times and keep pace with the times.

Han Feizi put forward the "three changes" standard, that is, the law should be "easy to see", "easy to know" and "easy to do"[1] Whether the rule of law is in place or not is an important standard to measure the level of national governance. If the law wants to play a role, we must strengthen the publicity of legal consciousness and the popularization of legal knowledge, guide the public to improve their legal literacy, make people revere the law from the heart, and realize the respect and compliance of the law by the whole people.

The Fourth Plenary Session of the 18th CPC Central Committee raised the rule of law to a new height. The report of the 19th CPC National Congress pointed out that the legal guarantee system should be improved. The concept of legal guarantee protects the legitimate rights and interests of the people, brings all social work into the orbit of the rule of law, enriches and improves the content of national governance, avoids the violation of fairness and justice in the process of governance, provides the necessary legal guarantee for social development, helps to resolve social conflicts and contradictions, and maintains good social order. The Fourth Plenary Session of the 19th CPC Central Committee put forward "adhering to and improving the socialist legal system with Chinese characteristics, improving the party's ability to rule the country and govern according to law" emphasizing that we should adhere to the road of socialist rule of law with Chinese characteristics, and provide a systematic and complete legal standard system, a legal implementation system, a legal supervision system, and a legal guarantee system for national governance.

Building a socialist society under the rule of law in an all-round way is in line with the ardent expectation of the Chinese people and is the foundation and legal guarantee for the coordinated promotion of the important layout of the "four comprehensives". The Party Central Committee strengthens the top-level design, gradually promotes the rule of law, does not allow anyone to desecrate the authority of the law, resolutely maintains the authority of the Constitution and the law, guarantees the implementation of the Constitution and the rule of law, deepens the reform of the judicial system, resolutely punishes judicial corruption, makes it impossible or dare not to corrupt, strengthens judicial supervision and protection, improves information disclosure, implements accountability, and improves the selection of cadres Mechanism, regulate the operation of power.

## **2. Pay Attention to Rule By Virtue and Build A Harmonious Society with Stable Moral Order**

Confucius' thought of morality for politics and Mencius' people-oriented thought provide a theoretical source for the realization of socialist democratic politics with Chinese characteristics. The Party Central Committee adheres to the ruling concept of people-oriented and governing for the people. Only by taking the people's interests as the starting point and foothold of all activities, establishing a bridge of communication and a bond of trust between the rulers and the masses and between the government and the society, carrying forward benevolent and Moral Governance, and realizing the rights in the people, gaining trust from the people and governing for the people, can the construction of socialist democracy with Chinese characteristics be smoothly promoted that is ok. In the new era, the main contradictions in our society have changed. To realize the rule of virtue is to adhere to the people's dominant position, strive to solve the main contradictions, and comply with the people's yearning for a better life. Meng Zi put forward the principle that benevolent people should be placed at a high level,

providing reference for today's party members and cadres to resist corruption and purify political ecology. The Central Committee of the Communist Party of China has put forward the "eight regulations" on improving the work style and keeping close contact with the masses. The future and destiny of a political power depends on people's support. Serving the people is always the original intention of the Communist Party. It should try its best to do what the people desire, and severely punish the things that the people hate.

The basic way of governing the country with morality is to serve the country with propriety. Confucius stressed that rectifying the name is to observe etiquette. In order to build a harmonious socialist society, we should learn from the idea of rule of rites. However, the "Rites" advocated by Confucius are from the perspective of rulers, and some aspects that do not conform to the spirit of today's society should be eliminated. Etiquette involves all aspects of life. Nowadays, there are still some behaviors such as "crossing the road in Chinese style" and "building without permission" in our country. Parents leave their children alone and disturb the order. High speed railway refuses to inspect and evade tickets seriously. Therefore, it is necessary to regulate social behavior through etiquette and play a role in imperceptible influence. It is an important part of the construction of socialist spiritual civilization to cultivate citizens' civilized quality, moral character, and self-discipline consciousness of citizens, which is an important part of the construction of socialist spiritual civilization. On the basis of the state of rites, we should rise to the rule of virtue and establish a harmonious society with stable moral order.

### **3. To Treat the Relationship Between Justice and Benefit Dialectically**

Confucianists and Legalists in the pre Qin Dynasty both emphasized that it is human nature to pursue interests, but they should not let the pursuit of interests be unlimited and lose the bottom line, which needs to be restricted. Confucianists believe that interests should be controlled by righteousness, while Legalists believe that interests should be controlled by law. In the context of the construction of socialism with Chinese characteristics, we can't generalize about justice and interest, but we should depend on the situation. Justice and interest can be divided into individual and collective. Only emphasizing collective interests and ignoring individual interests will lead to the loss of enthusiasm, and eventually will eat back collective interests. After the reform and opening up, with the development of commodity economy and the establishment of socialist market economic system, utilitarianism and money are the most important factors, which lead to economic disorder. History has proved that the bias of either side of etiquette and righteousness will become a factor leading to social disharmony. We should pay attention to the legitimate interests of the people and improve their enthusiasm. The construction of material civilization will lay the foundation for establishing a correct concept of justice and benefit.

In contemporary China, we must practice and cultivate the socialist core values. The socialist concept of justice and benefit is a creative transformation and innovative development based on the traditional Chinese concept of justice and benefit, guided by Marxism and based on the great practice of socialism with Chinese characteristics. The socialist concept of justice and benefit is not simply to restrain a certain aspect, but to affirm the legitimate rights of individuals, but also to emphasize the collective interests and national interests, so as to promote the final transformation of private interests to public interests, so as to achieve the unity of justice and benefit, and to make profits according to righteousness. We should adhere to the principle of collectivism, advocate that individual interests should not be superior to collective interests, and should obey and serve the overall interests, and oppose extreme egoism. First of all, affirming people's pursuit of fairness and justice is in line with the needs of moral development. People's pursuit of morality and justice is the perfection of human nature and the embodiment

of the superiority of socialism over capitalism. Secondly, it fully affirms people's pursuit of interests, which is in line with people's nature. People's pursuit of interests is the driving force of personal development and the need of survival and development to further promote social development. Finally, material interests are the basis of moral progress, and morality has a moderating effect on the acquisition of material interests. The socialist concept of justice and benefit has realized the expansion of the concept of justice and benefit from the pure moral field to the economic field, taking into account the relationship between fairness and efficiency, giving consideration to both fairness and efficiency, and realizing social fairness and justice to the maximum extent, giving the traditional concept of justice and benefit a new era connotation.

#### **4. Adhere to the Combination of Rule of Virtue and Rule of Law**

Confucius is the founder of Confucianism, he most highly respected benevolence and propriety. Confucius made it clear that benevolence is the internal value of propriety and propriety is the external manifestation of benevolence. He put forward that "to govern with morality, such as the North Star, where all the stars live together." [2] It means that people who run the country by virtue will be supported and loved by the people. After Confucius, Mencius further developed benevolence to the level of benevolent government. As his main political proposition, he believed that the people who got the world must be people of benevolence and righteousness, "the people are the most important, the country is the second, and the monarch is the least." [3] Therefore, he was the son of heaven, the son of heaven, the princes and the bureaucrats. If the vassal state is in danger, it will be changed. "Mencius greatly raised the status of righteousness. When life and morality cannot be obtained at the same time, he should sacrifice his life for righteousness. Xunzi gave a definition of propriety besides benevolence and righteousness: "propriety is the great division of law, and category is the principle of discipline." [4] He also creatively put forward the idea that "rites and righteousness are the beginning of governance" [5] and "the law is the end of governance" [6] However, law is a means to realize etiquette, which is in a subordinate position. "Longli is important, but it is often in France." [7] Only when we combine the importance of propriety and justice with the importance of law can we realize the effective governance of the country. Under the background of modern state governance, Xunzi's theory of "advocating propriety and valuing law" is the close combination of the construction of democracy and the rule of law with the construction of ideology and morality.

Both the rule of law and the rule of virtue have their own advantages. The authority of law is supreme, normative and universal. It will not change according to the will of each person to ensure the stability of social order. Morality is not mandatory, and its role is not as obvious as law. However, the power of morality is more far-reaching and lasting, and its regulatory role is more extensive. Some areas that cannot be clearly defined by law can only be included Chinese traditional culture, Chinese traditional customs, including moral consciousness to adjust. However, with the deepening of reform and opening up, the impact of western bourgeois values, the quality of citizens has been lost, and people pay attention to pleasure. For example, the frequent occurrence of food safety problems shows that traditional morality and new culture collide, and the new morality has not yet been fully established; at the same time, the rule of law is not perfect and supervision is not strong enough, which makes similar incidents continue to be prohibited, and even encourage unhealthy tendencies. We should give full play to their respective advantages and unify the rule of virtue and the rule of law in the construction of a harmonious socialist society. We need the rule of virtue and the rule of law complement each other, and neither side can be absent. The rule of virtue provides a strong ideological guarantee for the rule of law, and the rule of law provides a strong institutional support for the rule of virtue. Therefore, the moral system should reflect the requirements of the rule of law, and

internalize the knowledge of and compliance with the law. The rule of law should embody the moral concept. For the serious problems in the moral field, it should be prohibited by the rule of law. Our country needs the rule of virtue and the rule of law construction in parallel to carry out the construction of the socialist core value system and the socialist rule of law.

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