



Undergraduate assignment feedback form (to be completed by marker)

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A Study of the Impact of Using Laws or Virtue to Govern Society

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Respected provost, Miss Deng and Mister Zhang, good afternoon. My name is Ruxin Zhang and I would like to share with you the topic on the impact of using laws or virtue to govern society.

The presentation will be divided into three parts. The first part is ‘Motivation’, the second part is ‘Analysis’. And finally, I will share with you ‘My Point of View’.

Motivation

Let’s start with the first part.

What I want to share with you today is the second chapter, section three of *The Analects of Confucius* 論語, which is about the impact of using laws or virtue to govern society. The original text is that Confucius said, ‘If the people be led by laws, and uniformity sought to be given them by punishments, they will try to avoid the punishment, but have no sense of shame. If they be led by virtue, and uniformity sought to be given them by the rules of propriety, they will have the sense of shame, and moreover will become good.’¹

The reason I chose this sentence is that I have studied law as a major in the past, and I have also done research on the relationship between law and virtue during this period. However, in the process of studying the course of introduction to the Confucian Analects, I discovered the relationship between law and virtue, which was different

¹ Original text: ‘子曰：道之以政，齊之以刑，民免而無恥。道之以德，齊之以禮，有恥且格。’ Trans. by James Legge, *The Chinese Classics* (Shanghai: East China Normal University Press, 2011), p.146.

from what I had known and learned before. Therefore, I am very interested in this, and I have done a little research about it.

Analysis

Now let's move on to the second part.

First of all, the character *dao* 道 means guiding or inducing. According to *The Book of Rites* 禮記, Liu Baonan took this character *dao* as the meaning of teaching.² Then, for the character *zheng* 政, Kong Anguo interpreted it as legal education,³ while Huang Shu interpreted it as a legal system.⁴ Therefore, '*Daozhi yizheng* 道之以政' means that the political leaders use politics to lead the people, by formulating some administrative provisions and clauses, and then promulgating them for the common people to comply with and implement them.

Next, the character *qi* 齊 means neat. It means that when the people cannot comply with these provisions and clauses, they will be rectified. Leaders will use penalties to force people to abide by these regulations and legal provisions. As a result, to avoid punishment, the public will obey the government order, but they are not agreed in their hearts, they may feel that they were caught because of bad luck. As mentioned in *The Jiantaizong shisishu* 諫太宗十思疏, the author Weizheng said, 'People are submissive on the surface, but cannot accept it from the heart.'⁵ When the law is lax, the people will violate it, and they are not ashamed of this violation. It is also mentioned in *The Guanzi* 管子, 'Etiquette, righteousness, integrity, and shame are the guidelines for governing the country.'⁶ If the people of a country are shameless, then

² Liu Baonan 劉寶楠, *The Zhengyi of The Analects of Confucius* 論語正義(Beijing: Zhonghua Book Company, 1990), p.41.

³ Cheng Shude 程樹德, *The Collected Commentaries of The Analects of Confucius* 論語集釋(Beijing: Zhonghua Book Company, 1990), p.88.

⁴ Cheng Shude 程樹德, *The Collected Commentaries of The Analects of Confucius* 論語集釋(Beijing: Zhonghua Book Company, 1990), p.89.

⁵ Wu Jing 吳兢, *The Political Program of Zhen Guan* 貞觀政要(Taipei: San Min Book Co. Ltd., 1995), p.18.

⁶ Guan Zhong 管仲, *The Guan Zi* 管子(Beijing: National Library of China Publishing House, 2017),

the day of the country's subjugation can be known without asking, and it is already imminent.

In addition, one of the biggest characteristics of the law is its hysteresis quality. Hysteresis quality refers to the criminal punishment provisions that are often promulgated after the occurrence of criminal facts. So if the law in this place is very detailed, it means that this place has already had these crimes. Lao Tzu also said, 'the more strict the law is, the more thieves there will be.'⁷ This is because the more detailed the legal provisions, even the nature between father and son need to be regulated and restricted by the law, then it is not a good social atmosphere. This is about using politics and punishment to govern the country.

Secondly, the character *de* 德 means virtue, which is used to guide the people. If there are people who do not comply with the decree, then use *li* 禮 to rectify and guide them. It means that we let the people know these basic principles in life, and the effect achieved in this way is that the people 'Youchi qiege 有恥且格'. The people will be ashamed because they are not as good as *ancient sages* 古聖先賢. He Yan interprets the character *ge* 格 as *zheng* 正,⁸ which means that people can restrain and correct themselves following *li*, the *ge* here has the meaning of reform.

In order to realize this ideal, leaders need to lead by example. As *The Great Learning* 大學 said, 'Yao and Shun 堯舜 led on the kingdom with humanity and the people followed them.'⁹ *The Analects of Confucius* also said, 'The relation between superiors and inferiors is like that between the wind and the grass. The grass must bend when the wind blows across it.'¹⁰ The leader should make a good appearance first, and his

p.39.

⁷ Han Shan 憨山, *The Annotation of The Tao Te Ching* 老子道德經解(Wuhan:Chongwen Publishing House, 2015), p.111.

⁸ Cheng Shude 程樹德, *The Collected Commentaries of The Analects of Confucius* 論語集釋(Beijing: Zhonghua Book Company, 1990), p.89.

⁹ Original text: '堯舜率天下以仁，而民從之。' Trans. by James Legge, *The Chinese Classics* (Shanghai: East China Normal University Press, 2011), p.371.

¹⁰ Original text: '君子之德風，小人之德草。草上之風，必偃。' Trans. by James Legge, *The Chinese*

humanity and virtue can naturally awaken the kindness of the people, and thus achieve the best results. In other words, the people follow the example of their superiors. At this time, there is no need for external coercion. Everyone knows right and wrong, good and evil. Everyone automatically refuses to do things that violate laws, disciplines and rules, because they know it is immoral. And if everyone can do this, it will be a world of great harmony.

My Point of View

Let's now move on to the last part.

Dai De said, 'The *li* can take preventive measure before events happen, but the law only gives punishment and remedy after the fact.¹¹' The *li* is a system that guides people's behavior from the positive, while the law is a system that restrains people's behavior from the external. The law can only cure the symptoms, not the disease. Because the law can restrain people's behavior, but it is difficult to guide them to do the right behavior. But today we are in a society ruled by law, and we cannot completely separate and oppose the two, and absolutely certain or negation one of them. Because if there were no laws and penalties all at once, many people who have not been educated and influenced would behave unscrupulously, and society will be out of control.

Although the law treats the symptoms but not the root cause, the law can still play an important role in the stability of modern society. However, it cannot be said that only penalties are used. Penalties are very harsh, but at the same time, they do not pay attention to educating the people. In *The Analects of Confucius* said, 'To put the people to death without having instructed them, this is called cruelty.'¹² The people

Classics (Shanghai: East China Normal University Press, 2011), p.259.

¹¹ Huang Huaixin 黃懷信, *The Annotation of The Books of Rites of the Elder Tai* 大戴禮記譯注 (Shanghai: Shanghai Classics Publishing House, 2019), p.34.

¹² Original text: '不教而殺謂之虐。' Trans. by James Legge, *The Chinese Classics* (Shanghai: East China Normal University Press, 2011), p.353.

should be sympathetic that they have not been taught by *ancient sages*. Therefore, they should be taught the teachings of *ancient sages* on virtue and first. If he makes mistakes after all this education, and we can punish him, he will be convinced, and he will feel ashamed. If he is only strictly required and forced to do it, what he thinks is how to get away with it, and comply in appearance but oppose in the heart.

In addition to the leaders in the position should set a good example, each of us can contribute to the building of a harmonious society. In *The Doctrine of the Mean* 中庸, it is said, ‘He rectifies himself and seeks for nothing from others so that he has no dissatisfactions.’¹³ No matter what others do, you should first follow the teachings of the *ancient sages*, and make a good example. For others' unkind words and deeds, we should forgive them with a tolerance of heart, rather than force them to do it with a demanding mentality, to awaken their sense of shame.

Even if they cannot accept or change it for a while, they must be clear that it is because ‘Past generations committed much evil karma as they did not encounter the Dharma or understand the reality of human life and the universe. They did not know the Buddha’s teachings, did not think of learning from the Buddha, and did not have virtuous people to enlighten them. They cannot be blamed under such situation.’¹⁴ The education of *ancient sages* has been missing for a long time, and normally they cannot accept it for a moment. In this way, I encourage myself to make a good appearance to be convincing.

At the same time, it does not mean that one has to wait until he has great social influence to do it. They can start from their own families, and influence their families. And then influence the people around them, to promote a good social atmosphere. If everyone can do this, society will naturally be stable and harmonious, and the world

¹³ Original text: ‘正己而不求於人，則無怨。’ Trans. by James Legge, *The Chinese Classics* (Shanghai: East China Normal University Press, 2011), p.396.

¹⁴ Xia Lianju 夏蓮居, *The Infinite Life Sutra* 無量壽經 (Lasa: Tibet Tibetan Classics Publishing House, 2013), p.97.

will be peaceful.

This is my presentation, if there is any mistake in the content, any suggestions and advice would be appreciated, thank you very much.

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