

From Value Origin to Path Exploration in Contemporary Rule of Law Practice

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Abstract

The relationship between law and humanities constitutes a core proposition in legal research, as the two share a common value origin while exhibiting complex tensions in practice. From the perspective of "dialectical integration," this paper traces the interactive trajectory of law and humanities in historical evolution, revealing the central role of humanistic spirit as the foundation for the legitimacy of law, as well as the function of law as an institutional carrier to safe-guard humanistic values. By analyzing the manifestations of their conflicts in China's contemporary rule of law practice—such as the neglect of individual differences in mechanical justice and the dilution of humanistic warmth in technocratic law enforcement—and combining typical cases in criminal, civil, and administrative fields, this study explores the causes of these conflicts and their resolution mechanisms. It proposes that to achieve integration of law and humanities, it is necessary to embed a humanistic evaluation dimension in legislation, cultivate context-based judicial thinking in judicature, and practice the concept of flexible governance in law enforcement, ultimately constructing a socialist rule of law system with Chinese characteristics that combines the rigidity of rules and the warmth of humanity.

Keywords

Humanistic Spirit; Rule of Law Practice; Dialectical Integration; Path Exploration

Introduction

In the retrial of the "Kunshan Self-Defense Case," the public witnessed the law's humanistic empathy for the "fear psychology of defenders"; in the legislative breakthrough of establishing personality rights as an independent book in the Civil Code, they felt the law's systematic protection of "human dignity"; in the requirement of "targeted law enforcement" during pandemic prevention and control, they perceived the humanistic concern for "people's livelihood needs" in the exercise of power. These practices collectively point to a proposition: the vitality of law lies not only in the rigor of rules but more importantly in its embodiment of humanistic spirit.

However, China's contemporary rule of law construction still faces the dual dilemmas of "instrumentalization of law" and "marginalization of humanities." In some judicial rulings, mechanical application of evidence rules leads to a disconnect between "formal justice" and "substantive justice"; in certain administrative law enforcement practices, excessive emphasis on "compliance" overlooks the special circumstances of parties involved. The root of such dilemmas lies in cognitive biases regarding the relationship between law and humanities—either treating them as opposing categories, or regarding humanities merely as a "supplementary decoration" to law, failing to grasp the essence of their dialectical integration.

Based on China's local rule of law practices, this paper takes "shared value origin—practical tensions—integration paths" as its logical thread, and systematically expounds the interaction laws between law and humanities through historical analysis, case studies, and comparative research. The innovations of this study are as follows: breaking away from the "Western-centric" perspective, it constructs a localized integration theory by combining the wisdom of China's traditional "governance through ritual and law" with the needs of contemporary rule of law transformation; focusing on new contexts such as the digital age and risk society, it explores the balance between law and humanities in emerging fields like algorithmic discrimination and data privacy, thereby enhancing the practical relevance of the research. practices and protect the legitimate rights and interests of workers. However, in practical operations and judicial practice, due to factors such as the ambiguity of legal provisions and the differences in interest demands between employers and workers, legal disputes arising from employers' unilateral termination of labor contracts have been increasing. An in-depth study of this issue is of great theoretical and practical significance for improving the labor legal system, resolving practical labor disputes, and building harmonious labor relations.

1. The intrinsic unity of law and humanities

1.1. The humanistic spirit is the foundation of the legitimacy of law

The authority of law never stems from its coercive power itself, but from its protection of humanistic values. Kant's philosophical proposition that "human beings are ends in themselves rather than means" reveals the ultimate criterion for the legitimacy of law: any law that deviates from human dignity, even if formally complete, is merely a "bad law." This value connection is profoundly reflected in both Chinese and Western legal traditions.

In traditional Chinese legal culture, Confucianism has always been the spiritual core of law. The Western Zhou Dynasty infused moral concern into the application of penalties and opposed the arbitrary use of cruel torture. The Han Dynasty advocated that if an actor had no subjective malice, even if their conduct violated legal provisions, they could be punished leniently, which embodied respect for the "complexity of human nature." These practices show that although ancient Chinese law had

the limitations of feudal hierarchy, it always took humanistic concepts such as "benevolence," "righteousness," and "propriety" as its value orientation. Western natural law theory also regards humanistic spirit as the "meta-value" of law. Aristotle proposed that "justice is giving each person their due," incorporating humanistic concepts such as "equality" and "moderation" into legal evaluation. Locke's theory of "natural rights" held that the rights to life, liberty, and property are the inalienable core contents of law, directly promoting the institutional confirmation of humanistic values in modern constitutions. As Fuller put it, the "internal morality of law" includes principles such as clarity, consistency, and non-retroactivity, and the fundamental orientation of these principles is "to make human behavior more predictable and autonomous," which is essentially a normative expression of humanistic spirit.

1.2. Law is the institutionalized carrier of humanistic values

If humanistic spirit remains merely at the level of ideology, it will eventually become empty talk. Through the establishment of rights and obligations, law transforms abstract humanistic care into operable social order, and this "institutionalization" function runs through the entire process of legal operation.

At the level of rights protection, law provides a rigid boundary for humanistic values. Article 3 of the Universal Declaration of Human Rights stipulates that "everyone has the right to life, liberty and security of person," converting the humanistic concept of "the value of life" into specific rights; Article 109 of China's Civil Code, which states that "the personal freedom and dignity of natural persons are protected by law," establishes a basic framework for the protection of personality rights, turning "human dignity" from a moral appeal into a legal right. These institutional designs show that law has built an "inviolable" defense for humanistic values.

At the level of social governance, law provides an orderly space for humanistic practice. The Confucian humanistic ideal of "ensuring the elderly are cared for" is implemented through provisions such as "obligation of support" and "social assistance" in the Law on the Protection of the Rights and Interests of the Elderly; the ethical pursuit of "caring for one's own children and extending that care to others' children" is realized through the four-in-one protection system (family, school, society, and judiciary) in the Law on the Protection of Minors. The role of law lies in integrating scattered humanistic goodwill into a stable social mechanism, preventing it from fluctuating due to individual differences or environmental changes.

2. Value Conflicts and Their Causes in Contemporary Rule of Law

2.1. Analysis of Typical Conflict Scenarios

In the field of criminal justice, conflicts manifest as a disconnect between "rigid sentencing" and "case-specific reasonability." For example, a migrant worker who committed minor theft to raise money for his sick child was sentenced to fixed-term

imprisonment by the court in strict accordance with the theft amount. Although the judgment complied with legal provisions, it sparked controversy for failing to consider the humanistic context of "necessity." Such rulings, which "see only legal provisions but not human circumstances," run counter to the public's expectation that "legal principles should be balanced with reason and empathy."

In the realm of civil rights, conflicts appear as a gap between "formal equality" and "substantive fairness." Algorithmic discrimination in the digital age is particularly typical: a recruitment platform's algorithm automatically filters out female job seekers, refusing to provide equal opportunities in the name of "efficiency first." Such behavior is difficult to be identified as an infringement under the current legal framework, resulting in "formal compliance" masking substantive gender inequality and exposing the law's lag in responding to emerging humanistic needs.

In administrative law enforcement, conflicts emerge as an opposition between "compliant law enforcement" and "humanistic care." During pandemic prevention and control, some localities adopted excessive measures such as "forced isolation" and "blocking doors and roads" to pursue the goal of "zero infection," ignoring residents' basic living needs and right to medical treatment. In urban management, the blanket ban on street vendors failed to consider their practical difficulties in making a living. Though justified under the pretext of "compliance," these law enforcement actions have undermined legal credibility by deviating from humanistic spirit.

2.2. Multi-dimensional Analysis of the Causes of Conflicts

From an institutional perspective, there is an inherent contradiction between the "universal presupposition" of law and the "complex reality" of society. Law needs to achieve universal application through abstract rules, while humanistic care focuses on individual differences and situational particularities. This tension between "generality" and "individuality" cannot be completely eliminated. For example, the standard working hour system struggles to cover the flexible working conditions of platform economy practitioners, resulting in the exclusion of their humanistic needs such as the right to rest and social security from the rules.

From an ideological perspective, the "legal instrumentalism" mindset weakens the core status of humanistic values. Some legal practitioners regard law as a "tool for social control," overemphasizing its functions of "maintaining stability" and "improving efficiency" while neglecting its essential goal of "protecting human rights." This mindset leads to prioritizing "case closure rates" over "effective resolution" in judicial practice, and valuing "fines" over "education and guidance" in law enforcement, thereby marginalizing humanistic spirit.

From a social context perspective, the diversification of interests in the transitional period has intensified the division of value consensus. With profound changes in social structure, humanistic demands vary among different groups: workers focus on the "right to rest," while enterprises emphasize "freedom of operation"; consumers

attach importance to "privacy rights," while platforms advocate "data utilization." When balancing these demands, if law lacks a clear hierarchy of humanistic values, it easily falls into the dilemma of "each party holding its own view."

3. Analysis on the Path of Integration of Law and Humanities

3.1. Embed Humanistic Assessment and Flexible Clauses

Legislation is the starting point of integration, requiring space for humanistic care in rule design.

Establishing a "humanistic impact assessment" system is crucial. During the review of draft laws, an assessment of impacts on vulnerable groups and special situations should be added to avoid "one-size-fits-all" legislation. For example, in formulating the Personal Information Protection Law, through evaluating the applicability of the "informed consent" clause to the elderly and minors, special rules such as "simplified notification" and "guardian consent" were added, balancing efficiency and fairness in the digital age.

Improving "flexible clauses" and "principled provisions" is equally important. Beyond specific rules, the application conditions of humanistic principles such as "public order and good morals" and "principle of proportionality" should be clarified to provide a basis for responding to special situations. Articles 6 ("principle of fairness") and 8 ("principle of public order and good morals") in China's Civil Code provide legal grounds for judges to reconcile rules and reason in individual cases, enabling law to maintain stability while adapting to complex realities.

3.2. Cultivate Contextual Adjudication and Humanistic Reasoning

Judicature is the core field of integration, requiring innovation in concepts and mechanisms to let individual justice reflect humanistic warmth.

Strengthening judges' "contextual empathy" is fundamental. Through training methods such as "social experience" and "case discussion," judges' understanding of the living conditions of different groups should be enhanced. For example, organizing judges to participate in research on migrant workers' rights and assistance to minors enables them to balance legal provisions with the real needs of parties when hearing related cases.

Optimizing the reasoning mechanism in judicial documents is an important measure. Judges should be required to not only explain legal basis in judgments but also respond to the reasonable demands of parties and the public's simple sense of justice. In handling cases of justifiable defense, the court should fully consider the special circumstances. This achieved a balance between "legal principles" and "reasonableness," and its reasoning process became a model for demonstrating the humanistic warmth of law.

3.3. Promote Flexible Governance and Humanistic Law Enforcement

Law enforcement is the most direct link between law and the public, and its human-

istic warmth directly affects legal credibility.

The refined application of the "principle of proportionality" is key. Law enforcers should be required to balance law enforcement goals with the rights of parties when choosing measures, opting for the least harmful approach. For example, market supervision departments prioritize "interview and education" or "order to rectify" over fines for minor violations by small and micro enterprises; in traffic law enforcement, vehicles transporting critically ill patients can be "released first and processed later" to avoid delayed treatment due to rigid enforcement.

Establishing a "care mechanism for special groups" is an important supplement. Humanized law enforcement services should be provided for the special needs of the elderly, the disabled, and other groups: setting up "green channels for the elderly" in government halls to avoid the "digital divide"; urban management departments designating "compliant operation zones" for street vendors to maintain both urban appearance and their livelihoods. These measures show that the purpose of law enforcement is not only to correct violations but also to guide people toward goodness. As the ancients said, "Guide the people with virtue and unify them with ritual"—the educational function of law is essentially a practical extension of humanistic spirit.

4. Conclusion

The dialectical integration of law and humanities is an inevitable requirement for the construction of the socialist rule of law with Chinese characteristics. From the wisdom of traditional "governance through ritual and law" to the exploration of contemporary "humanistic rule of law," the interaction between the two has always centered on a core goal: to make law both a "stabilizer" of social order and a "guardian" of human dignity.

In the new context of the digital age and risk society, such integration is even more precious. When algorithms may challenge the concept of "subjectivity" and gene editing may cross the boundaries of "bioethics," law needs to be anchored in humanistic spirit—protecting technological progress while safeguarding the bottom line of humanity. Only in this way can we prevent law from becoming a cold tool and ensure that the rule of law truly becomes a "rule of law for people."

The construction of the rule of law must be for the people, rely on the people, benefit the people, and protect the people." This important statement profoundly reveals the fundamental direction of integrating law and humanities—guiding the construction of the rule of law with humanistic spirit, safeguarding humanistic values through the practice of the rule of law, and ultimately achieving the ultimate goal of "the free and all-round development of human beings."

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