

# Educational Research on the Conflict between Law and Morality at the Present Stage in China

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**Abstract :** The relationship between law and morality is inseparable. Since ancient times, law and morality have played an important role in adjusting social relations. Law and morality have different scopes of application in terms of constraints on human beings. The adjustment of human behavior by law is strict. Compared with morality, the law stipulates the minimum requirements for human behavior. If you violate the law, you will be punished, and the scope of legal adjustment is limited, but it has strong severity; The difference between morality and law is reflected in the wider scope of application of morality, which can restrain people in all aspects. There are more applicable aspects for the restriction of human behavior, but the severity is not as strict as law.

**Keywords :** Law; Morality; Education Conflict

## 1. Introduction

As a norm to adjust human behavior and restrict people's action, law and morality have always played an important role. Before the formulation and implementation of laws, human norms of conduct depended on morality, but moral constraints had their own limitations and certain scope of application, which led to the occurrence of many criminal phenomena. In order to deal with people's behavior to a greater extent, laws have been formulated. With the emergence of law, the criminal behavior in society gradually decreases. Since then, law and morality have become two sharp tools to adjust social relations and maintain social stability. Although law and morality are inseparable, they also have some conflicts. For example, some requirements in morality are not applicable in law; Some legal provisions in the law do not conform to the requirements of human behavior and morality.

## 2. Cause analysis of conflict

Since ancient times, there is no clear boundary between law and morality. Especially in recent years, with the development of society, social relations show more complex changes, which further blurs the boundary between law and morality. In the final analysis, law and morality are rooted in a certain economic foundation, and it is also a reasonable phenomenon to have a certain conflict. The reasons for the conflict between law and morality are listed as follows:

### 2.1 The speed of development is inconsistent

The Marxist view of law holds that morality and law are rooted in the development of economy, so law and morality must be restricted by the economic foundation. Morality appeared earlier than law. It is a set of conventional norms formed in people's long-term life. It mainly depends on people's consciousness to regulate people's behavior. The law is formulated with the emergence of the country. The law reflects the will of the ruling class and is an important tool to maintain social stability. With the development of economy and society, there will be more and more complex social relations and things in society. Because morality is the norm of people's heart, it has great flexibility and can keep up with the development of the times more quickly; The law is not. Because the law is formulated by the legislator and affected by the legislator's subjective will, the formulated law itself has a certain lag. With the development of the times, after the law is formulated, it is necessary to maintain relative stability. Therefore, the development of

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the law always lags behind the development of the society.

## **2.2 The transplantation of laws is not in line with national conditions**

The transplantation of law is a common practice adopted by countries all over the world. To a certain extent, the transplantation of law can promote the development of their own law, but the transplantation of law should be based on their own national conditions and can not be accepted completely. Laws that are in line with national development can be used for reference, and laws that are not in line with national conditions should be abandoned. China is a country with an ancient civilization of more than 5000 years, with strong and distinct moral concepts. When transplanting the law to western countries, it will inevitably be affected by the values contained therein, resulting in the phenomenon of and moral conflict. China and other western countries have different historical origins, development models and mainstream values. Western countries put more emphasis on the applicability and rationality of law; In our country, because the law is established on the basis of morality, our national law pays more attention to the ethics of law, which leads to the conflict between law and morality.

## **2.3 Inconsistent degree of certainty**

Law is designated by the ruling class and a tool to maintain class rule. It is different from morality and has a clear scope of application. If the law does not have a clear scope of application, it will lead to many problems. Morality is different from law. Morality is a set of norms of behavior formed in people's long-term life, with strong randomness. Therefore, the adjustment of morality has a very wide range of application. The law is also mandatory, requiring all subjects applying the law to abide by it, while morality is not, which exacerbates the conflict between law and morality.

## **2.4 Different requirements**

The opposition between law and morality is also reflected in the different requirements for people. The law pays more attention to the protection of people's rights, but most laws stipulate both people's rights and obligations; Morality pays more attention to the performance of human obligations. In addition, the requirements of morality for people are obviously higher than the law. In real life, when the same social relationship is adjusted, there will be obvious opposition between law and morality.

# **3. Countermeasures to alleviate the conflict between law and morality**

The conflict between law and morality is difficult to completely solve, but some methods can be used to alleviate the conflict between them in order to better adapt to the development of society. The conflict between the two can be mitigated by the following measures:

## **3.1 Making good laws**

Using good law to regulate people's behavior is a good way to solve the conflict. The conflict between law and morality is largely caused by the imperfection of the law itself. In some laws, the requirements for people and the requirements for people by morality are inconsistent, which leads to the intensification of the conflict. A good law should meet the requirements of the mainstream values of the society. If it is contrary to the values, it is difficult to be universally observed. When making laws, legislators should fully consider how to fully integrate the requirements of morality into the law and how to fully reflect the development of society in the law. In terms of legislative procedures, we should formulate strict legislative procedures to ensure the strictness of legislative procedures and ensure the scientific legislation. In addition, we should also formulate scientific legal application procedures to ensure the applicability of laws.

## **3.2 Scientific law enforcement**

In the process of law enforcement, law enforcement officers should strictly follow the requirements of the law. At the same time, we should take into account the specific situation and integrate emotion into law. The law itself has strict impartiality. If the relevant law enforcement personnel fail to enforce the law strictly in the process of law enforcement, the authority of the law will be reduced and the real normative effect will not be achieved. At the same time, for China's socialist law, in order to pursue substantive fairness and justice, in some cases, it is necessary to make certain concessions. For example, law enforcement personnel meet vulnerable groups that need to be protected in the process of law enforcement and make concessions to them within certain limits. This is more conducive to the realization of substantive fairness of the law.

## **3.3 Strengthening the popularization of laws**

The popularity of the law is high, which helps people abide by the law. From the national level, people's compliance with the law can promote social stability, so that the country can form long-term and stable development. Based on this, general legislators will legalize some basic moral norms to maintain social stability when making legislation, so as to significantly strengthen the role of morality and make it easier for people to abide by it. From the perspective of the masses, at present, people's legal awareness still

needs to be improved. It is very necessary to strengthen the popularization of law and morality. Only in this way can we better alleviate the conflict between morality and law.

### **3.4 Forming a fair and just social moral system**

A fair and just social moral system helps every citizen to abide by it. At present, many citizens have carried out just acts but have been punished by the law, resulting in many citizens unwilling to do just things, which is a retrogression of social development. Therefore, the state should vigorously promote the role of morality and make up for people's understanding of morality. When a person does a good deed, he should not be evaluated negatively by the law, but should be evaluated positively. Nowadays, with the development of China's economy and the continuous improvement of market-oriented level, driven by interests, the moral level of many people is constantly lowered, and the conflict between morality and law is becoming more and more intense. If this situation is not improved, it will cause more and more serious phenomenon, and the conflict between law and morality will become more and more serious.

## **4. Conclusion**

The relationship between law and morality is inseparable, which has always been an important topic discussed by people. With the complexity of social relations, the conflict between law and morality is becoming more and more serious. How to deal with the relationship between them and ease the contradiction between them has become an important issue for people to study. In dealing with the relationship between the two, we should take into account the influence of various factors, so that the scope of law and moral norms can be relatively reasonable and in line with the development of society, coordinate the contradictions between the two from many aspects, in order to promote the development of morality and law, and enable law and morality to play a real role in maintaining social stability.

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