

The Premises for The Formation and Development of The Relationship Between the Rule of Virtue and The Rule of Law in Building A Socialist Rule-Of-Law State in Vietnam, According to Ho Chi Minh's Thought

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ABSTRACT: In Ho Chi Minh's political and ideological legacy, the view on the relationship between Rule of Virtue and Rule of Law plays a core theoretical role in the construction of a socialist rule of law state in Vietnam today. Using the methodology of dialectical materialism and historical materialism combined with textual analysis and historical logic, this article focuses on clarifying two core sets of premises that formed this ideology. These are the objective premises stemming from the cultural foundation, the tradition of humanity and discipline of the Vietnamese nation, combined with the absorption, critique, and creative adaptation of the finest ideas of humanity such as Confucianism, Legalism, Western Enlightenment, and Marxism-Leninism; and the decisive role of subjective factors - the moral character, dialectical thinking, and rich practical experience of President Ho Chi Minh himself. The research results affirm the systematic and consistent nature of the governance model "humanized law, institutionalized ethics", providing an important scientific basis for the Party and the State in the era of national development.

KEYWORDS: Rule of Virtue; Rule of Law; Ho Chi Minh's thought; Ideological premises; Subjective factors; Socialist Rule-of-Law State

1. INTRODUCTION

The dialectical relationship between ethics and law has always been a central theme throughout the history of human political thought. From ancient Greece, Aristotle put forward profound arguments about the organic connection between ethics and law in state life. In modern Western times, Montesquieu – the founder of the theory of separation of powers and the bourgeois rule of law – also affirmed in his classic work, *On the Spirit of Laws*, that law does not exist in isolation but is always subject to and strongly interacts with the Rule of Virtue foundations of society.

In Vietnam, the combination of law and morality has long been a distinctive feature of traditional political culture. Throughout history, from the early Văn Lang – Âu Lạc period, where political customs and village traditions gradually transformed into rudimentary laws, to the independent feudal dynasties, the model of national governance has always been a dualistic one: a harmonious combination of national law and village customs. The reign of King Lê Thanh Tông is considered the pinnacle of this seamless integration of Confucian Rule of Virtue and Rule of Law. However, during the French colonial period, the French transformed the law into a purely violent tool to maintain their rule, brutally suppressing the people and eliminating the Rule of Virtue legitimacy of power. The method of governing society through law in our country only truly entered a new phase with the establishment of the Democratic Republic of Vietnam. This turning point is closely linked to the profound understanding and thinking of President Ho Chi Minh in the cause of national liberation. According to him, the supremacy of law does not mean the mechanical absolutization of legal principles, but rather placing the law alongside and based on the foundation of revolutionary ethics.

In the contemporary context, under the impact of the development of productive forces and the trend of globalization, the relationship between Rule of Virtue and Rule of Law increasingly affirms its enduring value but also poses many practical challenges. The documents of the 14th National Congress of the Party frankly acknowledged: "The decline in political ideology, morality, and lifestyle has not shown any signs of abating. There are no effective solutions to prevent and reverse the serious degradation in some aspects of culture, morality, and lifestyle, causing social unrest". Simultaneously, although the legal system is gradually being perfected, there are still instances of overlap; the enforcement of laws in some agencies and localities is not strict enough, reducing fairness. This situation demands a systematic and in-depth study of the prerequisites for the formation and development of Ho Chi Minh's thought on the relationship between Rule of Virtue and Rule of Law. This provides a scientific basis and a sharp theoretical

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tool for the Party and the State to continue promoting the construction of a socialist rule of law state that is both strict and humane in the new era - the era of the nation's resurgence.

2. RESEARCH METHODOLOGY

Grounded in the epistemological and ontological frameworks of dialectical and historical materialism, this study employs an integrated suite of qualitative research methodologies. The historical-logical method is applied to reconstruct the evolutionary trajectory of the relationship between the Rule of Virtue and the Rule of Law within Ho Chi Minh's philosophy, mapping its development against both traditional foundations and modern structural shifts. The analytical-synthetic method is leveraged to deconstruct the specific ideological premises—including Eastern statecraft legacy, Western Enlightenment tenets, and Marxist-Leninist theory—clarifying their internal contradictions and creative synthesis. Furthermore, textual analysis is systematically executed upon "Ho Chi Minh: Complete Works" and contemporary Party resolutions to guarantee analytical objectivity and empirical integrity. Finally, the comparative-contrastive method is utilized to evaluate how Ho Chi Minh's subjective framework reconciled legal strictness with revolutionary humanism, distinguishing his paradigm from classical feudal dualism and bourgeois constitutionalism to emphasize its strategic relevance to Vietnam's contemporary Socialist Rule-of-Law State.

3. RESEARCH RESULTS

3.1. The premise for the formation and development of the relationship between Rule of Virtue and Rule of Law in Ho Chi Minh's thought.

In the historical development of human thought, it can be said that "only when we understand the material living conditions of each corresponding era, when everything else is derived from those material conditions, can we understand all social and national relations, all religious and legal systems, and all theoretical viewpoints that have appeared in history". Ho Chi Minh's thought on the relationship between Rule of Virtue and Rule of Law is an expression of this spirit. For President Ho, the concept of the relationship between Rule of Virtue and Rule of Law was not only influenced by the historical and social context and the era, but also nurtured from the depth of Vietnamese national culture and the essence of human thought. It is this interplay between tradition and modernity, between the nation and the world, that has created the depth and enduring value in his political thought.

First and foremost, the Vietnamese national cultural tradition is a crucial spiritual foundation for the formation of the concept of Rule of Virtue and Rule of Law. Throughout its long history of nation-building and national defense, the Vietnamese people have developed a unique system of values, most notably patriotism, humanity, community spirit, and a legal tradition linked to social order. These values do not exist in isolation but are always intertwined and complementary, creating a flexible governance model: a combination of morality and law, emotion and reason, Rule of Virtue self-awareness and legal constraints. Patriotism is the red thread running through the nation's history, becoming the highest moral standard governing all political and social actions. In Vietnamese tradition, political power is only legitimate when it is linked to the interests of the people and the cause of protecting national independence. This creates a special Rule of Virtue standard for those in power: they must act for the people and for the nation. It is from this foundation that Ho Chi Minh affirmed the nature of the new state as "of the people, by the people, and for the people", in which the law must reflect the will of the people, and the ethics of officials must be linked to the spirit of serving the Fatherland.

Ingrained in Vietnamese national cultural traditions is the tradition of humanity and righteousness – a core value in Vietnamese political culture. Humanity and righteousness are not only personal qualities but also principles of social organization, requiring those in power to prioritize the interests of the people as the standard for their actions. However, humanity and righteousness in Vietnamese tradition are not subjective but always linked to specific responsibilities and obligations. In village life, village regulations are both moral and legal, reflecting the natural combination of Rule of Virtue and Rule of Law. Ho Chi Minh deeply inherited this spirit, but did not stop at the traditional framework, elevating it to revolutionary ethics—a modern value system aimed at liberating humanity. Alongside this, the spirit of solidarity and love for humanity are also prominent values of national culture. Solidarity is not only a means of survival but also the decisive strength behind all historical victories of the Vietnamese nation. Love for humanity is expressed through a compassionate, tolerant, and righteous way of life. These values were embraced and developed by Ho Chi Minh into fundamental political and ethical principles in building the new state and society. In his view, law is not merely a tool of coercion but must also be educational, guiding towards goodness, combining punishment and persuasion.

Besides the traditional Vietnamese culture, the traditions of humanity, national independence and self-reliance, and social discipline also play a significant role in shaping the thinking about the rule of law. Vietnamese history shows that, alongside emphasizing morality, feudal dynasties also built a relatively complete legal system to maintain social order. A prime example is the National Penal Code of the early Le Dynasty, which demonstrated a combination of morality and law, of strictness and humanism. This proves that, in Vietnamese tradition, Rule of Virtue and Rule of Law are not two opposing models but two complementary elements in social governance. Ho Chi Minh clearly recognized this and further developed it in new conditions by emphasizing the role of law in the revolutionary state. In particular, Vietnamese culture stands out for its flexibility in harmonizing "emotion" and "reason".

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Ho Chi Minh inherited this spirit to build a profoundly humane conception of law: the law must be strict but not detached from people; the handling of violations must combine punishment and education. Thus, the national cultural tradition not only provided a Rule of Virtue foundation but also shaped the dialectical thinking method in combining Rule of Virtue and Rule of Law.

In his arduous journey to find a way to save the country, he encountered many great ideologies of humanity, from ancient East to modern West, and carried out a process of selective absorption, criticism, and creativity. From Confucianism, he received the ideas of benevolence, respect for the people, and the requirement for moral cultivation of those in power. However, he did not absolutize Rule of Virtue and clearly recognized its limitations, especially its dependence on individual qualities. Therefore, he simultaneously absorbed the legalist thought of Legalism, emphasizing the role of strict law in maintaining social order. This combination reflects the creative dialogue between Eastern ideologies in Ho Chi Minh's thinking. Meanwhile, European Enlightenment ideas provided Ho Chi Minh with values of democracy, freedom, and the rule of law. He approached ideas of human rights, civil rights, and legal principles as expressions of the people's will. However, from the practical experience of colonialism, he also recognized the limitations of bourgeois rule of law when those values were not applied equally to colonized peoples. Therefore, Ho Chi Minh absorbed the spirit of democracy and the rule of law, but placed it within the goal of national liberation and building a just society. In particular, Marxism-Leninism played a decisive role in perfecting Ho Chi Minh's conception of the relationship between Rule of Virtue and Rule of Law, and at the same time, Marxism-Leninism also emphasized the role of revolutionary morality as a spiritual condition for building a new society. Ho Chi Minh creatively applied those principles to Vietnamese practice, forming a dialectical concept: law is a tool to ensure that power belongs to the people, while revolutionary morality is the spiritual foundation of the state. Thus, Ho Chi Minh's thought on the relationship between Rule of Virtue and Rule of Law is the result of the crystallization of national cultural traditions and the essence of human thought. Within this framework, the Rule of Virtue transcends rigid feudal moralism to be elevated into revolutionary ethics, while the Rule of Law is emancipated from its colonial status as an instrument of class domination to become a democratic apparatus institutionalizing the true will of the people. These two elements are not opposed but unified in a dialectical whole, both aiming towards the goal of liberating humanity and building a just, democratic, and civilized society. The unity between Rule of Virtue and Rule of Law in Ho Chi Minh's thought is therefore not only significant for the Vietnamese revolution but also holds profound theoretical value for the issue of building a state and the rule of law in the present era. This is precisely the manifestation of a political thinking that is both deeply imbued with national identity and reaches the universal scale of humanity.

3.2. The role of subjective factors in the formation and development of the relationship between Rule of Virtue and Rule of Law in Ho Chi Minh's thought.

As Karl Marx said: "Philosophers do not spring up like mushrooms from the earth; they are the product of their time, of their nation, and the most refined, precious, invisible milk is concentrated in their philosophical ideas". The relationship between Rule of Virtue and Rule of Law in President Ho Chi Minh's thought is not merely a product of historical circumstances or the result of absorbing traditions and the essence of humanity, but first and foremost, it is the crystallization of a thinking subject with a great personality, independent intellect, unwavering political acumen, and a distinctive dialectical method of thinking. The subjective factor here is not a single element, but a unified whole encompassing: moral qualities, intellectual capacity, thinking methods, practical experience, and the ability to synthesize and create theory. It is the convergence of these elements that has made the combination of Rule of Virtue and Rule of Law in Ho Chi Minh's thought transcend the nature of borrowing or patchwork, becoming a holistic, consistent theoretical system with profound practical value for the model of state and social governance.

Firstly, from an ethical perspective, Rule of Virtue in Ho Chi Minh's thought is not an abstract principle, but a direct reflection of a moral personality realized in life. It is a type of action-oriented morality – where values such as diligence, frugality, integrity, righteousness, and impartiality do not exist as mere Rule of Virtue standards, but become principles of life, leadership, and social organization. The unity between words and deeds, between thought and action, creates the inherent persuasive power of his concept of Rule of Virtue. Therefore, Rule of Virtue is not opposed to Rule of Law, but serves as the spiritual foundation for the conscious and responsible implementation of laws. On the epistemological level, dialectical thinking plays a crucial role in shaping Ho Chi Minh's unique approach to the relationship between ethics and law. Based on the methodology of Karl Marx and Vladimir Lenin, but without rigidly adhering to it, President Ho Chi Minh creatively applied it to view Rule of Virtue and Rule of Law as two aspects of a unified whole. In this approach, law is the institutionalization of the people's will, while morality is the foundation ensuring that the law is enforced through conscious self-awareness. The absence of either element will lead to deviations: law without morality will become formalistic, heavily focused on punishment without giving people the opportunity to improve and correct their mistakes; morality without law will lack a guarantee mechanism and easily fall into voluntarism. It was dialectical thinking that helped Ho Chi Minh overcome dualistic thinking, establishing a flexible yet unified model of combination.

On the practical level, his rich revolutionary experience in many different cultural and political spaces provided Ho Chi Minh with the practical basis to test and develop his theoretical thinking. Ho Chi Minh's direct participation in building the new state, especially his role in the formation of the 1946 Constitution, clearly demonstrates his profound understanding of the role of law in organizing

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power and guaranteeing human rights. At the same time, his practical leadership of the revolution also affirmed a truth: a state of the people, by the people, and for the people. The combination of practical experience and theoretical thinking made Ho Chi Minh's concept of Rule of Virtue and Rule of Law highly realistic, avoiding both dogmatism and pure empiricism. On the political and humanistic level, Ho Chi Minh's character and vision are reflected in his ability to reconcile strictness and humanity. The Rule of Law in his thought is not merely punitive, but always linked to the goal of educating, reforming, and developing people. The concept of "the government is the servant of the people" is not just a political slogan, but establishes the service-oriented nature of a rule-of-law state. President Ho Chi Minh demanded that all government work be aimed at a single goal: to secure freedom and happiness for all people. In his letter to the People's Committees of provinces, districts, and villages on October 17, 1945, he clearly stated: "We must understand that all government agencies, from the national level to the villages, are servants of the people". At the Congress of Heroes and Emulation Fighters in the fight against the US for national salvation in 1966, he once again emphasized: "Our government is a government that serves the people, wholeheartedly dedicated to serving the people. If anyone in the government wants to be an official, they cannot remain in our government".

In this model, law is not a tool of domination, but a means of protecting Rule of Virtue values and human rights. Another prominent characteristic of Ho Chi Minh's subjective element is his capacity for self-criticism and innovative thinking. He always considered theory as an open system that must be tested and adjusted in practice. According to him, "the purpose of criticism is to help each other correct mistakes and progress. It is to improve working methods, to make them better and more correct. It is to foster internal unity and cohesion. Therefore, self-criticism as well as criticism of others must be thorough, sincere, without favoritism or exaggeration. Both strengths and weaknesses must be clearly identified. At the same time, one should not use sarcastic, bitter, or backstabbing words. Criticize actions, not people". The mechanism of criticism and self-criticism that he emphasized is the intersection between morality and law: Morality creates self-aware motivation, while law creates a framework for controlling power. This combination ensures that the political system is both disciplined and capable of self-regulation.

From the above analysis, it can be affirmed that the subjective factor in Ho Chi Minh's thought not only plays a conditional role, but is also the creative center, where objective elements are transformed into a tightly structured theoretical system with lasting value. The combination of Rule of Virtue and Rule of Law is not a compromise, but a dialectical unity between the two fundamental principles of social governance: Rule of Virtue foundation and legal mechanism, education and coercion, self-awareness and compulsion. Placed within the overall historical and social conditions, national cultural traditions, and the essence of human culture, Ho Chi Minh's thought on the relationship between Rule of Virtue and Rule of Law emerges as a complete theoretical whole, possessing historical necessity and universal value. In this system, law is humanized, and morality is institutionalized - creating a model of a socialist rule of law state that is both strict and humane, modern, and deeply imbued with national identity.

4. CONCLUSION

It can be said that President Ho Chi Minh is one of the exemplary models for the integration of ethics and law. He always emphasized Rule of Virtue education while constantly enhancing the role and power of law. As a form of social consciousness, the views expressing the relationship between Rule of Virtue and Rule of Law in President Ho Chi Minh's thought, on the one hand, reflect the conditions and urgent needs of Vietnamese social history at the end of the 19th and beginning of the 20th centuries; on the other hand, they are the assimilation and inheritance of previous theoretical premises, contributing to the development of his thought in particular as well as the development of the spirit and values of the Vietnamese nation in general. The history of the Vietnamese nation has produced many outstanding thinkers and leaders who always put the interests of the people first. President Ho Chi Minh is a typical symbol of the crystallization of national wisdom and ethics. Ho Chi Minh's contributions to the idea of combining Rule of Virtue and Rule of Law marked a new development in Vietnamese political thought. This was a creative blend of Eastern tradition and the practical realities of the Vietnamese revolution.

According to President Ho Chi Minh, a strong state must be based on two foundations: a strict legal system and a team of ethical officials. This combination not only has theoretical significance but also profound practical value in the current construction of a socialist rule of law state. Therefore, studying the relationship between Rule of Virtue and Rule of Law in Ho Chi Minh's thought not only helps to understand the past but also contributes to guiding the development of modern politics, where law and morality play a vital role in protecting individuals and society.

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