

THE CONCEPTUAL SYSTEM AND FUNDAMENTAL CHARACTERISTICS OF THE RULE OF LAW IN XI JINPING THOUGHT ON THE RULE OF LAW

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THE CONCEPTUAL SYSTEM AND FUNDAMENTAL CHARACTERISTICS OF THE RULE OF LAW IN XI JINPING THOUGHT ON THE RULE OF LAW

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Embarking on a new journey, advancing the study, research, publicity, and interpretation of Xi Jinping Thought on the Rule of Law in greater depth constitutes a vital task for the Chinese legal and jurisprudential community — one that aims to thoroughly implement the guiding principles of the 20th National Congress of the Communist Party of China, uphold comprehensive law-based governance, promote the construction of the rule of law in China, and accelerate the development of China's independent knowledge system of legal science. General Secretary *Xi Jinping* has consistently attached great importance to strengthening the theoretical research on the rule of law and explicitly emphasized, 'Without the guidance of a correct theory of the rule of law, there can be no correct practice of the rule of law.'¹ On December 6, 2021, General Secretary *Xi Jinping* delivered an important speech while presiding over the 35th group study session of the Political Bureau of the 19th Central Committee of the Communist Party of China. He emphasized that 'We should strengthen the study on original concepts, judgments, categories, and theories of China's rule of law, and enhance the development of the disciplinary system, academic system, and discourse system for jurisprudence with Chinese characteristics.'² In order to thoroughly implement Xi Jinping Thought on the Rule of Law and the major decisions and arrangements of the Central Committee of the Communist Party of China concerning comprehensive law-based governance, in February 2023, the General Office of the Central Committee of the Communist Party of China and the General Office of the State Council issued the *Opinions on Strengthening Legal Education and Legal Theory Research in the New Era*. The document emphasizes the need to 'conduct in-depth research and interpretation of the major original contributions

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1 XI JINPING, ON UPHOLDING OVERALL LAW-BASED GOVERNANCE, at 175 (Central Party Literature Press, 2020).

2 Xi Jinping, *Adhering to the Path of Socialist Rule of Law with Chinese Characteristics and Advancing the Development of the System of Socialist Rule of Law with Chinese Characteristics*, 4 *Qishi Journal* (2022).

of Xi Jinping Thought on the Rule of Law, and continuously enrich and develop the theory of socialist rule of law with Chinese characteristics. To deepen the theoretical interpretation, academic expression, and systematic construction of Xi Jinping Thought on the Rule of Law, it is essential to closely align with the practical demands of comprehensively advancing law-based governance in the new era, strengthen legal theoretical research that is rooted in Chinese culture, grounded in China's national conditions, and aimed at solving China's problems, summarize and refine legal concepts, viewpoints, and theories of socialist rule of law with Chinese characteristics that are independent, original, and iconic, and develop China's independent knowledge system of legal science'. Under the new circumstances, in order to conduct in-depth research and interpretation of Xi Jinping Thought on the Rule of Law, strengthen the study of original concepts, judgments, categories, and theories pertaining to China's rule of law, and summarize and refine the concepts of the rule of law that are independent, original, and iconic, we must uphold the fundamental principle of the 'Two Integrations'—integrating the basic tenets of Marxism with China's specific realities and fine traditional culture. Based on the innovation of the theory, institution, and practice of the rule of law in the new era and with a global perspective on the evolving trajectory of legal civilization, we should deepen the research on foundational, principled, and original theoretical issues such as the connotation of the concept of the rule of law, the structure and classification of conceptual system of the rule of law, and the basic characteristics of the conceptual system of the rule of law. Through such inquiry, we can continuously enrich and expand the theoretical connotation of socialist rule of law with Chinese characteristics in the new era, consolidate the theoretical foundation of China's independent knowledge system of legal science, and provide strong theoretical support for comprehensively building a modern socialist country under the rule of law.

I. THE CONCEPTUAL SYSTEM OF THE RULE OF LAW IN XI JINPING THOUGHT ON THE RULE OF LAW

A conceptual system is a system of concepts arranged in an organized structure according to different levels of abstraction and the vertical and horizontal logical relationships among them. It serves as an essential means to organize knowledge and express ideas. The conceptual system of the rule of law is a well-organized, hierarchically structured, and logically coherent body

of legal knowledge composed of a series of jurisprudential, legal, and rule of law concepts (categories). It forms a fundamental, structural, and systematic support for accelerating the construction of the legal disciplinary system, academic system, and discourse system for jurisprudence with Chinese characteristics. Xi Jinping Thought on the Rule of Law encompasses a series of new concepts, categories, judgments, and propositions related to the rule of law, forming a connotatively rich, structurally rigorous, logically sound, and clearly layered conceptual system of the rule of law.

Based on the interrelations, internal logic, and hierarchical structure within the conceptual system of the rule of law in Xi Jinping Thought on the Rule of Law, the system can be roughly categorized into four concept clusters of the rule of law: core concept cluster of the rule of law, fundamental concept cluster of the rule of law, major concept cluster of the rule of law, and derivative concept cluster of the rule of law.

A. Core Concept Cluster of the Rule of Law

Core concepts of the rule of law are original and decisive notions that, in terms of extension, distinguish the domain of the rule of law from the non-rule-of-law domain, and in terms of intension, represent the most basic, fundamental, and central layer within the legal knowledge system. These concepts serve as the cornerstone and fundamental support of the theoretical system of the rule of law. An organic combination of several core concepts of the rule of law constitutes the core concept cluster of the rule of law. From the perspectives of vertical historical evolution and horizontal logical relationships, the core concept cluster of the rule of law in Xi Jinping Thought on the Rule of Law mainly includes four sets of concepts of the rule of law characterized by progressive and parallel relationships. Specifically, the progressive relationships include ‘rule by law — rule of law’, ‘socialist rule by law — socialist rule of law’, and ‘law-based governance — comprehensive law-based governance’; and the parallel relationship is ‘the rule of law in China — the rule of law in civilization (the rule of law in the world)’.

1. *From ‘Socialist Rule by Law’ to ‘Socialist Rule of Law’.* — On August 24, 2018, at the first meeting of the Commission for Law-Based Governance of the Central Committee of the Communist Party of China, General Secretary *Xi Jinping* stated: ‘Since taking office more than 60 years ago, our Party has remained committed to the rule of law despite various challenges ... From

‘socialist rule by law’ to ‘socialist rule of law’, and from the notion of ‘having laws to follow, strict observance of laws, rigorous law enforcement, and punishment of all violations’ to the notion of ‘sound legislation, strict law enforcement, impartial administration of justice, and society-wide observance of the law’, our Party has come to a deeper understanding that the governance of the country can never be separated from the rule of law.’³ This statement illustrates that the Party’s understanding of fundamental issues related to the concept of the rule of law, construction policies of the rule of law, theory of the rule of law, and practices of the rule of law has been continuously enriched and developed through practical experience. In terms of terminology, prior to the 15th National Congress of the Communist Party of China, the term ‘rule by law’ was more commonly used in the Party’s documents. What does ‘rule by law’ mean in this earlier context? *Dong Biwu* once said: ‘Literally understood, the laws and institutions of the state constitute ‘rule by law’.’⁴ This expression reflects the general understanding of ‘rule by law’ within our Party. After the 15th National Congress of the Communist Party of China explicitly proposed ‘law-based governance and building a socialist country under the rule of law’, the terms ‘rule of law’ and ‘law-based governance’ increasingly replaced ‘rule by law’ as dominant concepts. For instance, over the 40 years since the 12th National Congress of the Communist Party of China (1982-2022), in the nine reports delivered at successive National Congresses of the Communist Party of China, the frequency of terms such as ‘rule by law’ and ‘rule of law’ (including ‘governing X in accordance with law’) is summarized in the following table.

Table 1: Frequency of the Terms ‘Rule by Law’ and ‘Rule of Law’ (Including ‘Governing X in Accordance with Law’) in the Reports to the National Congress of the Communist Party of China Since the 12th National Congress of the Communist Party of China

Reports to the CPC National Congress	‘Rule by Law’	‘Rule of Law’ or ‘Governing X in Accordance with Law’	Total Number
<i>Report to the 12th CPC National Congress</i>	9	0	9

3 XI JINPING, *supra* note 1, 226-227.

4 DONG BIWU, ON SOCIALIST DEMOCRACY AND RULE BY LAW, at 153 (People’s Publishing House, 1979).

Reports to the CPC National Congress	‘Rule by Law’	‘Rule of Law’ or ‘Governing X in Accordance with Law’	Total Number
<i>Report to the 13th CPC National Congress</i>	14	1	15
<i>Report to the 14th CPC National Congress</i>	11	0	11
<i>Report to the 15th CPC National Congress</i>	14	9	23
<i>Report to the 16th CPC National Congress</i>	13	11	24
<i>Report to the 17th CPC National Congress</i>	8	16	24
<i>Report to the 18th CPC National Congress</i>	3	18	21
<i>Report to the 19th CPC National Congress</i>	1	52	53
<i>Report to the 20th CPC National Congress</i>	0	50	50
Total	73	157	230

Source: Compiled and Calculated by the Author.

Based on the above statistics, two significant trends can be observed in the use of the terms ‘rule by law’ and ‘rule of law’ in the reports to the National Congress of the Communist Party of China since the 12th National Congress of the Communist Party of China. First, the total number of occurrences of the terms ‘rule by law’ and ‘rule of law’ has steadily increased in the successive reports to the National Congress of the Communist Party of China. This reflects an overarching trend since the reform and opening up, indicating that the Communist Party of China has placed growing emphasis on the construction of the ‘rule by law’ and the ‘rule of law’. Second, there has been a noticeable shift in terminology: the use of ‘rule of law’ and expressions such as ‘governing X in accordance with law’ have increased significantly while the use of ‘rule by law’ has gradually declined and eventually disappeared. This trend indicates that our Party has achieved an important transformation from emphasizing ‘socialist rule by law’ to advancing ‘socialist rule of law’ through the combination of theory and practice.

Two landmark achievements have driven this important transition in practice. First, the *Report to the 15th National Congress of the Communist Party of China* in 1997 officially changed the long-used expression ‘a socialist country under the rule by law’ to ‘a socialist country under the rule of law’. Subsequently, the constitutional amendment in 1999 incorporated the statement that ‘the People’s Republic of China practices law-based governance and builds a socialist country under the rule of law’ into the *Constitution*, thereby enshrining the concept of a ‘socialist country under the rule of law’ in the form of the nation’s fundamental law. Second, the constitutional amendment in 2018 replaced the notion of ‘improving the socialist rule by law’ with that of ‘improving socialist rule of law’, further developing the principle of socialist rule of law enshrined in *China’s Constitution*.

2. *From ‘Law-Based Governance’ to ‘Comprehensive Law-Based Governance’*. — At the 15th National Congress of the Communist Party of China in 1997, the policy of law-based governance was established as a fundamental guideline for the Party to lead the people in national governance. It clearly stated: ‘Law-based governance means that the broad masses of the people, under the leadership of the Party, participate through various channels and forms in the management of state, economic, cultural, and social affairs in accordance with the *Constitution* and laws, ensuring that all aspects of the state’s work are conducted in accordance with the law. This will gradually realize the institutionalization and legalization of the socialist democracy, so that these institutions and laws will not change due to changes in leadership, nor due to shifts of the leading officials’ views or attention.’ The 16th National Congress of the Communist Party of China proposed to ‘uphold the unity between Party leadership, the running of the country by the people, and the law-based governance’. The 17th National Congress of the Communist Party of China further put forward the strategic arrangement of ‘fully implementing the basic policy of law-based governance’. Since the 18th National Congress of the Communist Party of China, the Central Committee of the Communist Party of China has explicitly advanced the concept of comprehensive law-based governance and incorporated it into the overarching ‘Four-Pronged Comprehensive Strategy’ for national governance. The Fourth Plenary Session of the 18th Central Committee of the Communist Party of China conducted in-depth deliberation and adopted the *Decision on Several Major Issues Concerning Comprehensively Advancing Law-Based Governance*. Following the 19th National Congress of the Communist

Party of China, the Central Committee of the Communist Party of China established the Commission for Law-Based Governance of the Central Committee of the Communist Party of China, and from a holistic and strategic perspective, issued a series of major decisions and deployments on comprehensive law-based governance. These efforts have driven historic transformations and achievements in the construction of socialist rule of law in China.⁵ The transition from ‘law-based governance’ to ‘comprehensive law-based governance’ holds significant implications. First, it marks that the construction of the rule of law in China has entered a new era and embarked on a new journey. It is essential to firmly stay on the path of socialist rule of law with Chinese characteristics, advance comprehensive law-based governance, and accelerate the building of the rule of law in China. Second, it incorporates comprehensive law-based governance into Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era, making it an integral part of the Party’s guiding ideology. Third, it establishes and develops Xi Jinping Thought on the Rule of Law, providing fundamental guidance and a strategic roadmap for advancing comprehensive law-based governance. Fourth, it positions comprehensive advancement of law-based governance within the strategic layout of the ‘Four-Pronged Comprehensive Strategy’, making it both a key component and a vital safeguard.

A review of the historical process of the Party’s leadership in advancing the rule of law reveals a clear evolution — from ‘rule by law’ to ‘socialist rule by law’ and then to ‘socialist rule of law’; and from ‘law-based governance’ to ‘comprehensive law-based governance’. This conceptual evolution of the ‘rule of law’ not only profoundly reflects the historical and practical logic of the Party’s continuous exploration in law-based governance over the past century — with distinct stages and characteristics shaped by the times — but also vividly demonstrates the regularity and creativity of the Party’s long-standing theoretical innovation and development in the field of the theory of the rule of law.

3. The ‘Rule of Law in China’ and the ‘Rule of Law in Civilization’ (the ‘Rule of Law in the World’). — In 2013, General Secretary Xi Jinping initially introduced the innovative concept of building the ‘rule of law in China’ in an important directive on improving political and legal work in

⁵ Xi Jinping, *Unswervingly Follow the Path of Socialist Rule of Law with Chinese Characteristics and Provide Strong Legal Guarantees for the Comprehensive Construction of a Modern Socialist Country*, 5 *Qiushi Journal* (2021).

the new era. The Third Plenary Session of the 18th Central Committee of the Communist Party of China formally established ‘advancing the rule of law in China’ as a key goal of comprehensive advancement of law-based governance in the new era and an important part of comprehensively deepening reforms. The Fourth Plenary Session of the 18th Central Committee of the Communist Party of China proposed that to advance law-based governance across all fields and establish China as a socialist country under the rule of law, we must ‘move steadily toward the goal of building the rule of law in China’ and ‘strive to realize the vision of the rule of law in China’. The 19th National Congress of the Communist Party of China explicitly called for the establishment of the Leading Group (Commission) for Comprehensive Law-Based Governance of the Central Committee of the Communist Party of China to enhance unified leadership over the construction of the rule of law in China. The *Report to the 20th National Congress of the Communist Party of China* included a dedicated chapter on the work of the rule of law entitled *Exercising Law-Based Governance on All Fronts and Advancing the Rule of Law in China*. To strengthen the Party’s leadership over comprehensive law-based governance and coordinate the advancement of the construction of the rule of law in China, the Central Committee of the Communist Party of China issued the *Plan to Build the Rule of Law in China (2020–2025)* in 2021. The concept of the ‘rule of law in China’ is a major indigenous and original concept summed up, refined, and upgraded from Xi Jinping Thought on the Rule of Law based on the successful practical experience of the initiative of the ‘rule of law in Zhejiang’. The introduction of the concept of the ‘rule of law in China’ represents a significant ideological and theoretical innovation in the Party’s vision for establishing China as a socialist country under the rule of law. It provides a scientific orientation, objective setting, and strategic blueprint for the development of socialist rule of law with Chinese characteristics in the new era. The concept of the rule of law in China complements other core components of the Chinese Dream — such as a prosperous China, a culturally advanced China, a harmonious China, a beautiful China, a safe China, and a happy China — collectively forming a grand vision for the great rejuvenation of the Chinese nation. General Secretary *Xi Jinping* has emphasized: ‘We must attach great importance to the issues of the rule of law, take effective measures to comprehensively advance law-based governance, build a socialist country under the rule of

law, and build the rule of law in China. On this point, we will not waver.’⁶ The construction of the rule of law in China is both a long-term strategic task and a fundamental objective in enhancing comprehensive advancement of law-based governance and building a socialist country under the rule of law. It is also a crucial element and legal guarantee in the broader mission to build a modern socialist country and to realize the great rejuvenation of the Chinese nation — the Chinese Dream.

The rule of law in civilization represents the comprehensive spiritual, institutional, and practical achievements of humanity in employing the law to govern itself and transform the world. It serves as a significant marker of the progress in human civilization. Within the conceptual system of Xi Jinping Thought on the Rule of Law, the notion of the ‘rule of law in civilization’ refers not only to the ‘rule of law in Chinese civilization’, but more importantly, to the ‘rule of law in global civilization’. It serves as a core concept oriented toward both the rule of law worldwide and the broader trajectory of human civilization, and corresponds closely with the concept of the ‘rule of law in China’. General Secretary *Xi Jinping* has explicitly emphasized that ‘The rule of law is one of the important achievements of human civilization, and its essence and core principles hold universal significance for the national and social governance across all countries. We must draw inspiration from the outstanding achievements of the rule of law in global civilization.’⁷ He has further noted that the drafting and implementation of *China’s Constitution* have ‘contributed Chinese insight and Chinese input to the advancement of human civilization under the rule of law’,⁸ and that *China’s Civil Code* ‘draws upon the Chinese nation’s fine legal culture stretching back more than 5,000 years, and mankind’s beneficial achievements in building the rule of law in civilization’.⁹ These statements fully demonstrate the great importance that Xi Jinping Thought on the Rule of Law places on the referential value of the achievements of human civilization under the rule of law for the development of the rule of law in China. The development of the rule of law in China cannot be separated from the global legal context, and the advancement of the rule

6 EXCERPTS FROM XI JINPING’S DISCOURSES ON COMPREHENSIVE LAW-BASED GOVERNANCE, at 3 (Party Literature Research Office of the CPC Central Committee ed., 2015).

7 *Id.*, 32.

8 Xi Jinping, *Writing a New Chapter in the Practice of China’s Constitution in the New Era: Commemorating the 40th Anniversary of the Enactment of the Current Constitution*, *People’s Daily*, December 20, 2022.

9 XI JINPING, *THE GOVERNANCE OF CHINA* (VOLUME IV), at 281 (Foreign Languages Press, 2022).

of law in global civilization likewise needs China's participation. We must pursue the overall strategy for national rejuvenation of the Chinese nation amid global changes of a magnitude not seen in a century, and focus on the high-reaching goals of world peace and development, the advancement of human civilization, and the building of a community with a shared future for mankind. In this context, we must continue to promote the modernization of Chinese rule of law in civilization, deepen the comprehensive law-based governance, advance the rule of law in both domestic and foreign-related affairs in a coordinated manner, and jointly build both the rule of law in China and the rule of law in the world, thereby contributing Chinese insight and Chinese input to the progress of human civilization under the rule of law.

Among the core concepts of Xi Jinping Thought on the Rule of Law, the most fundamental, distinctive, and representative concepts are the notions of socialist rule of law, comprehensive law-based governance, the rule of law in China, and the rule of law in civilization.

B. Fundamental Concept Cluster of the Rule of Law

The fundamental concepts of the rule of law constitute the second-tier concepts derived from the core concepts of the rule of law. They represent a necessary categorical development and logical extension of the core concepts of the rule of law, occupying a pivotal role in bridging higher-level and applied knowledge within the legal knowledge framework, and playing an indispensable role in the theoretical system of the rule of law. When integrated organically, these concepts form the fundamental concept cluster of the rule of law. From the perspectives of the basic morphology of the rule of law terminology, the embedded connotations of the rule of law, and the orientation toward key governance tasks, the fundamental concept cluster of Xi Jinping Thought on the Rule of Law can be divided into two main conceptual domains: the 'rule of law in China' and 'comprehensive advancement of law-based governance'.

First, the conceptual cluster of the 'rule of law in China' is characterized morphologically by the structure of 'noun + of/under the rule of law', such as, path of the rule of law, system of the rule of law, theory of the rule of law, culture of the rule of law, a country under the rule of law, a government under the rule of law, a society under the rule of law, economy under the

rule of law, track of the rule of law, institutions under the rule of law, thinking of the rule of law, approach of the rule of law, authority under the rule of law, principles of the rule of law, and so forth. Within this conceptual domain, two clusters of concepts occupy a particularly foundational and pivotal status.

The first group of key concepts includes ‘path of the rule of law, system of the rule of law, theory of the rule of law, and culture of the rule of law’. The path, theory, system, and culture of socialist rule of law with Chinese characteristics are subordinate to and serve the broader cause of socialist modernization with Chinese characteristics. They are the concrete embodiment of the socialist path, theory, system, and culture with Chinese characteristics in the fields of jurisprudence and the rule of law in China. As General Secretary *Xi Jinping* has pointed out, ‘The path of socialist rule of law with Chinese characteristics that we follow is, in essence, the manifestation of the path of socialism with Chinese characteristics in the field of the rule of law; the theory of socialist rule of law with Chinese characteristics that we develop is, in essence, the theoretical achievement of the theoretical system of socialism with Chinese characteristics on the issue of the rule of law; and the system of socialist rule of law with Chinese characteristics that we are building is, in essence, the legal expression of the system of socialism with Chinese characteristics.’¹⁰ The socialist culture of the rule of law with Chinese characteristics is, in essence, the achievement of the civilization of the rule of law within the framework of the socialist culture with Chinese characteristics. Within the conceptual system of the rule of law in Xi Jinping Thought on the Rule of Law, these four components — path of the rule of law, theory of the rule of law, system of the rule of law, and culture of the rule of law — constitute an organic whole. They interact with and reinforce each other, forming a unified ‘four-in-one’ framework that provides directional guidance, theoretical foundation, institutional guarantee, and spiritual strength for advancing comprehensive law-based governance in the new era. They fully manifest the confidence in the path, theory, system, and culture of socialist rule of law with Chinese characteristics.

Another group of key concepts is ‘a country, government, and society under the rule of law’. In February 2013, when presiding over the fourth group study session of the Political Bureau of the 18th Central Committee

10 *Supra* note 6, 34-35.

of the Communist Party of China, General Secretary *Xi Jinping* pointed out in the speech that we should ‘promote the coordinated advancement of law-based governance, law-based exercise of state power, and law-based government administration, and take integrated steps to build a country, government, and society based on the rule of law, continuously opening up new prospects for law-based governance’.¹¹ The Third Plenary Session of the 18th Central Committee of the Communist Party of China incorporated these ‘three joint advances’ and ‘three integrated constructions’ into the *Decision of the Central Committee of the Communist Party of China on Some Major Issues Concerning Comprehensively Deepening the Reform*, making them core tasks in the effort to advance the ‘rule of law in China’. In practice, it has been demonstrated that ‘A country, government, and society under the rule of law have their own focus, yet they complement one another. A law-based country represents the goal of the construction of the rule of law; a law-based government is the main body in building a law-based country; and a law-based society is the foundation for building a law-based country.’¹² Thus, these three must be developed in an integrated manner and advanced in a coordinated way.

Second, the conceptual cluster of ‘comprehensive law-based governance’ is primarily characterized, in terms of word formation, by the structure of ‘law/constitution-based + noun’, such as constitution-based governance, constitution-based exercise of state power, law-based governance, law-based exercise of state power, law-based government administration, law-based military administration, law-based decision-making, law-based social governance, law-based law making, law-based supervision, and law-based actions, among others. Among these, law-based governance, law-based exercise of state power, and law-based government administration are the most fundamental and essential. General Secretary *Xi Jinping* emphasized that ‘Law-based governance, law-based exercise of state power, and law-based government administration constitute an integrated whole; the key lies in the Party adhering to law-based exercise of state power, and governments at all levels adhering to law-based government administration.’¹³ The essential point is that these three must be planned in a coordinated manner and advanced in coordinated progress.

¹¹ *Id.*, 3.

¹² XI JINPING, *supra* note 1, 229-230.

¹³ *Id.*, 229.

Among the core legal concepts in Xi Jinping Thought on the Rule of Law, the most essential, distinctive, and representative ones include the path of the rule of law, the system of the rule of law, the theory of the rule of law, law-based governance, law-based exercise of state power, and law-based social governance.

C. Major Concept Cluster of the Rule of Law

The major concepts of the rule of law constitute the third tier in the conceptual system of the rule of law and comprehensive advancement of law-based governance, which are formed on the basis of the core and fundamental concepts of the rule of law. These major concepts represent significant advancements, theoretical expansions, and refined categorizations of the core and foundational concepts of the rule of law. Within both the legal knowledge system and the theoretical framework of the rule of law, they play a dual role: serving as the ‘mainstay’ that supports the overall structure, and as the ‘building blocks’ that enrich and complete it. Rooted in a series of foundational concepts of the rule of law and organized according to intrinsic logical relationships and classification standards, these major concepts form the major conceptual cluster of the rule of law. From the general principles of jurisprudence, legal philosophy, and political philosophy, the major concept cluster in Xi Jinping Thought on the Rule of Law primarily encompasses five domains of conceptual systems related to the rule of law.

1. *Conceptual Category of the Values of the Rule of Law.* — The concept of the values of the rule of law primarily includes freedom, equality, fairness, justice, democracy, human rights, security, order, harmony, happiness, dignity, environment, peace, and development, etc. Within the major concept cluster of the rule of law, the values of the rule of law represent its very soul. They possess characteristics of guidance, leadership, and evaluation, and serve as a concrete manifestation of the value dimension in the conceptual system of the rule of law.

2. *Conceptual Category of the Principles of the Rule of Law.* — The concept of the principles of the rule of law mainly includes the supremacy of the *Constitution* and laws, equality before the law, respect for and protection of human rights, checks and supervision of power, non-retroactivity of laws, having laws to follow, strict observance of laws,

rigorous law enforcement, punishment of all violations, sound legislation, strict law enforcement, impartial administration of justice, and society-wide observance of the law, as well as the clarity, normativity, stability, predictability of the law, and the principle of legality in the criminal law, etc. The principles of the rule of law embody the fundamental rules and valuable experiences of the rule of law. They are characterized by generality, normativity, and instructiveness, serving as key pillars supporting the conceptual system of the rule of law.

3. *Conceptual Category of the Relationships of the Rule of Law.* — The concept of the relationships of the rule of law includes the relationships between the rule of law and democracy, the rule of law and politics, the rule of law and moral governance, the rule of law and reform, the rule of law and security, the rule of law and order, the rule of law and development, the rule of law and economy, the rule of law and society, the rule of law and culture, the rule of law and modernization, as well as the relationships between law-based governance and virtue-based governance, and law-based governance and rule-based governance of the Party. The relationships of the rule of law reveal the internal connections and interactions between the rule of law and other social phenomena. They represent the application and development of the law as a regulatory mechanism for social relations within the domain of the rule of law.

4. *Conceptual Category of the Objects of the Rule of Law.* — The ‘objects’ referred to herein are the objects of the effect of the *Constitution* and laws — those which are to be governed, managed, regulated, promoted, and safeguarded in accordance with the *Constitution* and laws. Examples include constitution-based governance, law-based governance, law-based provincial governance, law-based municipal governance, law-based military administration, law-based school administration, and law-based enterprise administration, etc.; law-based exercise of state power, law-based government administration, law-based actions, and law-based social governance, etc.; managing state, social, economic, and cultural affairs in accordance with the *Constitution* and laws; cracking down on crimes, and combating and rooting out organized crime in accordance with laws. The objects of the rule of law highlight the specific targets that the law exerts governance, regulation, influence, and management — including reward, support, punishment, and rectification measures during governance processes. These objects are the target orientation and specific form for the

implementation of the rule of law.

5. *Conceptual Category of the Functions of the Rule of Law.* — The concept of the functions of the rule of law mainly encompasses the roles of the rule of law in consolidating foundations, stabilizing expectations, and benefiting the long term; giving full play to the normative, guiding, and safeguarding roles of laws and regulations; adhering to the rule of law to coordinate social forces, balance interests, regulate relations, standardize behaviors, and resolve conflicts; using legislation to actively guide, promote, regulate, and safeguard reforms; promoting development and ensuring good governance through sound laws; and maintaining social fairness and justice. Within the major concept cluster of the rule of law, the functions of the rule of law are crucial — they directly demonstrate and manifest the legitimacy, rationality, and necessity of the rule of law. They are essential for realizing the values of the rule of law, constructing institutions under the rule of law, establishing systems of the rule of law, and achieving the ideals of the rule of law.

In the major concept cluster of the rule of law in Xi Jinping Thought on the Rule of Law, the most essential, distinctive, and representative concepts include fairness and justice, the supremacy of the *Constitution* and laws, the integration of law-based governance and the running of the Party with regulation, law-based national governance, and the safeguarding function of rule of law in consolidating foundations, stabilizing expectations, and benefiting the long term. It is important to note that the major concept cluster of the rule of law is an open and continuously evolving system. Other conceptual systems related to the rule of law — such as those concerning the behavior, interests, rights/powers, innovation, and reform of the rule of law — can and should also have a place within this cluster. The examples listed herein are only illustrative and do not exhaust the full range of major concepts of the rule of law.

D. Derivative Concept Cluster of the Rule of Law

Derivative concepts of the rule of law refer primarily to a series of expanded, deepened, refined, extended, or derivative discourse of the rule of law emerging from the aforementioned concept clusters. Examples are as follows: ‘Law is the standard for social life and national governance.’ ‘Reform and the rule of law are like the two wings of a bird or the two

wheels of a cart.’ ‘Advancing reform under the rule of law and improving the rule of law through reform.’ ‘Law is codified morality, and morality is law within the heart.’ ‘The law secures the country, while virtue nurtures the people.’ ‘The law is of great value in the governance of a country, and good law is a prerequisite for good governance.’ ‘Legislation is the sacred work of setting rules for the state and boundaries for the society.’ ‘Law enforcement is the critical link in turning the law on paper into living law in daily life.’ ‘Judicial adjudication is the last line of defense for social fairness and justice.’ ‘The rule of law and opening up go hand in hand — each step forward in opening up requires corresponding progress in the development of the rule of law in foreign-related affairs.’ ‘Building a modern socialist country in all respects under the rule of law.’ In Xi Jinping Thought on the Rule of Law, this cluster of derivative concepts — including concepts, propositions, categories, discourses, judgments, expressions, aphorisms, and quotations — represents the most concrete, vivid, direct, and numerous elements of the rule of law. Closely linked to the practical process of building the rule of law in China, these concepts are highly original, dynamic, and vibrant components of the knowledge of the rule of law, forming indispensable units within the conceptual system of the rule of law.

Naturally, under the broader ‘concept clusters of the rule of law’, further subdivisions into ‘concept groups of the rule of law’ are possible. Examples include ‘sound legislation, strict law enforcement, impartial administration of justice, and society-wide observance of the law’; coordinated progress in ‘law-based governance, law-based exercise of state power, and law-based government administration’; integrated steps to build ‘a country, government, and society under the rule of law’; and the Party’s endeavors to ‘lead legislation, ensure law enforcement, support the administration of justice, and lead the way in abiding by the law’. However, as these concept groups are not the main focus of this text, they will not be discussed in detail here.

II. FUNDAMENTAL CHARACTERISTICS OF THE CONCEPTUAL SYSTEM OF THE RULE OF LAW IN XI JINPING THOUGHT ON THE RULE OF LAW

The conceptual system of the rule of law in Xi Jinping Thought on the Rule of Law is featured with a lofty vision, vivid discourse, profound

connotation, and rich content. Summarized broadly, it possesses the following fundamental characteristics.

A. Upholding the ‘Two Integrations’

Adhering to the integration of the basic tenets of Marxism with China’s specific realities and fine traditional culture is a scientific method and fundamental pathway for adapting Marxism to the Chinese context and the needs of our times. As General Secretary *Xi Jinping* has emphasized: ‘It is the only path for us to open up and develop socialism with Chinese characteristics based on the profound foundation of over 5,000 years of Chinese civilization. Integrating the basic tenets of Marxism with China’s specific realities and fine traditional culture is a necessary course of action. This is a regular pattern we have come to understand through exploring the path of socialism with Chinese characteristics.’¹⁴ Historical experience has shown that the ‘Two Integrations’ constitute the most valuable formula for our success. The conceptual system of the rule of law in Xi Jinping Thought on the Rule of Law consistently upholds the principle of the ‘Two Integrations’ and actively promotes the ‘Two Transformations’. In the process of constructing and developing a comprehensive conceptual system of the rule of law, Xi Jinping Thought on the Rule of Law, on the one hand, consistently adheres to the sound theoretical guidance of Marxism. It integrates Marxist theory of the rule of law with China’s rule of law practice, employing the fundamental positions, viewpoints, and methodologies of Marxism to summarize the practical experiences and governing principles of building the rule of law in China. From this, it has extracted a large number of original and distinctive rule of law concepts, rule of law categories, and jurisprudential propositions, thereby forming a systematic and theoretical conceptual system of the rule of law. On the other hand, it has consistently upheld the promotion of fine traditional Chinese culture, integrating Marxist theory of the rule of law with China’s fine traditional legal culture. It adheres to the principles of making the past serve the present and developing the new from the old, comprehensively exploring the rich legacy of over 5,000 years of Chinese civilization of the rule of law under the guidance of Marxism, and using Marxism to

¹⁴ Xi Jinping, *Speech at the Symposium on Cultural Inheritance and Development*, 17 Qiushi Journal (2023).

activate the vital and vigorous elements within Chinese civilization of the rule of law and endow them with new connotations in the contemporary era. It promotes the creative transformation and innovative development of China's fine traditional legal culture, advances the critical inheritance and modern revival of the Chinese legal system, and provides a powerful historical gene, civilizational foundation, and cultural background for the construction of the conceptual system of the rule of law in the new era. Practice has proven, 'Only by inheriting the fine traditional Chinese legal culture, exploring a path of the rule of law suited to our own conditions through the practice of China's revolution, construction, and reform, and drawing on beneficial achievements of the rule of law from abroad, can we consolidate the foundation of the rule of law for comprehensively building a modern socialist country and realizing the great rejuvenation of the Chinese nation.'¹⁵

B. Upholding Fundamental Principles While Breaking New Ground

General Secretary *Xi Jinping* has pointed out: 'Upholding fundamental principles while breaking new ground is an important ideological method of our Party in governing the country in the new era. Upholding fundamental principles ensures that we do not lose our direction or commit subversive mistakes, and breaking new ground enables us to grasp the times and lead the times.'¹⁶ The *Report to the 20th National Congress of the Communist Party of China* clearly stated that 'We must uphold fundamental principles and break new ground.' In the field of the rule of law and legal studies, upholding fundamental principles means adhering to the correct path of the development of the rule of law and remaining faithful to the rational truth in the rule of law. Breaking new ground means opening up new frontiers for the development of the cause of the rule of law and exploring new forms of human civilization of the rule of law. Upholding fundamental principles is the foundation of the rule of law, the essential character of legal science, and the guarantee for maintaining the correct direction in comprehensively promoting law-based governance. Breaking new ground, on the other hand, is the soul of the progress in the rule of law and the source of theoretical

¹⁵ Xi Jinping, *supra* note 5.

¹⁶ Xi Jinping, *Advancing Chinese Modernization Requires Correctly Handling Several Major Relationships*, 19 *Qiushi Journal* (2023).

development in the rule of law. Breaking new ground seeks to create new ideas, new concepts, new mechanisms, and new forms of the rule of law. Under the guidance of Marxist theory of the rule of law, we must truly achieve the goal of making the past serve the present, adapting foreign concepts for Chinese use, making dialectical choices, and developing the new from the old. We must learn from and draw on the outstanding achievements of global civilizations of the rule of law, inherit the valuable legacy of fine traditional Chinese legal culture, and promote the innovation in categories, concepts, discourses, and methods within China's conceptual system of the rule of law in the new era. All beneficial accomplishments of human civilization of the rule of law should become important resources and inexhaustible driving forces for the innovative development of modern Chinese rule of law. We should study and draw upon all the valuable outcomes in the knowledge systems of the rule of law and legal research methodologies created by human civilization of the rule of law. To uphold fundamental principles and break new ground in the conceptual system of the rule of law, we must always hold firmly to the soul and root of theoretical innovation. Upholding the soul of Marxism and the root of fine traditional Chinese culture is the foundation and prerequisite for theoretical innovation. At the same time, theoretical innovation itself serves to better uphold the soul and root. General Secretary *Xi Jinping* emphasized: 'Theoretical innovation must adopt new expressions, but must not abandon our origins. To forget our origins is to sever our soul and root, which will ultimately lead to subversive errors of losing both the soul and the root. My proposal of upholding fundamental principles and breaking new ground means that we must neither return to the old path of rigidity and isolation nor take the wrong path of abandoning our foundations — both are dead ends.'¹⁷ We must innovate the conceptual system of the rule of law based on China's national conditions and the practical realities of the development of the rule of law, transcend the Western-centrism that assumes 'all discourse must cite the West', break free from the myth of the genealogy of Western legal knowledge, and strive to construct and develop a conceptual system of the rule of law that reflects Chinese theoretical, practical, and contemporary characteristics.

17 Xi Jinping, *Opening up a New Realm for Adapting Marxism to the Chinese Context and the Needs of Our Times*, 20 Qiushi Journal (2023).

C. Upholding Universality (Global Significance) and National Particularity

The socialist rule of law with Chinese characteristics is by no means an outlier in the contemporary global landscape of the rule of law; rather, it is an organic component and important driving force in the advancement of human civilization of the rule of law. General Secretary *Xi Jinping* clearly stated: ‘As China steps onto the world stage and participates in international affairs as a responsible major country, we must be adept at applying the rule of law ... We should actively participate in the formulation of international rules and act as a participant, promoter, and leader in the process of global governance reform.’¹⁸ The conceptual system of the rule of law in Xi Jinping Thought on the Rule of Law upholds a coordinated approach to advancing the rule of law in domestic and foreign-related affairs in a coordinated manner. Centered on the noble goal of building a community with a shared future for mankind, it promotes peace, development, fairness, justice, democracy, and freedom — the common values of all humanity. It assumes the shared missions of global governance, including safeguarding human rights and security, maintaining peace and justice, promoting civilization and development, pursuing good laws and good governance, seeking happiness and stability, eliminating evil and crime, and ensuring oversight and checks on power. Through these missions, the system demonstrates prominent features of universality, commonality, and global significance. At the same time, the conceptual system of the rule of law in Xi Jinping Thought on the Rule of Law is one developed in the context of Chinese modernization. It adheres to China’s national conditions, upholds the ‘Two Integrations’, achieves the ‘Two Transformations’, and maintains the organic unity of Party leadership, the people’s running of the country, and law-based governance. It follows the path of socialist rule of law with Chinese characteristics, builds the system of socialist rule of law with Chinese characteristics, develops the theory and culture of socialist rule of law with Chinese characteristics, and strives toward the fundamental goal of building a socialist country under the rule of law. These fundamental requirements and objectives determine that this conceptual system of the rule of law inevitably bears a distinct political character, Chinese characteristics, and national attributes. General Secretary *Xi Jinping*

18 XI JINPING, *supra* note 1, 225.

pointed out: ‘Emphasizing national particularity does not mean rejecting the academic achievements of other countries, but rather refining our national particularity through comparison, reference, critique, absorption, and elevation, so that it better meets the developmental needs of contemporary China and today’s world. The more national something is, the more universal it becomes. If we address the issues of national particularity well, we will be better equipped to address global issues; if we summarize China’s practices well, we will be more capable of offering ideas and solutions for global problems. This is the law of development from particularity to universality.’¹⁹ The conceptual system of the rule of law in Xi Jinping Thought on the Rule of Law follows the principles and laws governing the development of a knowledge system of the rule of law/jurisprudence. It draws upon the valuable achievements of human civilization of the rule of law to promote theoretical innovation in the rule of law, and leverages the experience of building a modernized Chinese civilization of the rule of law to contribute to the advancement of global civilization of the rule of law. In doing so, it achieves the integration of national particularity and global universality, as well as the unity of specificity and generality. We must strengthen comparative research on the commonalities and differences between China’s concepts of the rule of law and those of the broader world. On the one hand, we must fully reflect the universality, commonality, and globality of China’s terminology and conceptual vocabulary of the rule of law; on the other hand, we must fully highlight the distinctiveness, specificity, and national particularity of China’s conceptual system of the rule of law, so as to demonstrate the Chinese characteristics, style, and manner of China’s rule of law theory.

D. Upholding Scientificity and Systematicness

Scientificity is a fundamental attribute of jurisprudence, as well as an inherent requirement and key feature of the conceptual system of the rule of law. General Secretary *Xi Jinping* has pointed out: ‘The reason Marxism has exerted a profound influence lies in its ability to reveal the truth of human social development through profound theoretical insight, and to demonstrate the scientific nature of its theory through a comprehensive system.’²⁰ The

19 XI JINPING, THE GOVERNANCE OF CHINA (VOLUME II), at 340 (Foreign Languages Press, 2017).

20 Xi Jinping, *supra* note 17.

scientificity and systematicness of the conceptual system of the rule of law are primarily reflected in the following two aspects.

Firstly, each concept of the rule of law should embody scientificity and normative clarity, conforming to the inherent laws, basic logic, and academic requirements of concept formation. In the field of the concepts of the rule of law — whether normative or descriptive, original or interpretive, value-based or factual, constructive or integrative and refined, explicit or implicit — all should adhere to academic principles and definitional standards. They must reflect the spirit, principles, and methodology of science in all dimensions, including their connotation and extension. We must strengthen in-depth research on the core, fundamental, and major concepts of the rule of law, striving to ensure that each concept embodies a scientific connotation and that each category is clearly defined.

Secondly, the entire conceptual system of the rule of law should embody scientificity and systematicness. The *Report to the 20th National Congress of the Communist Party of China* emphasizes the need to uphold a systematic thinking approach. General Secretary *Xi Jinping* pointed out: ‘Comprehensively advancing law-based governance is a systematic project that requires holistic planning and greater emphasis on systematization, integration, and coordination.’²¹ Promoting the systematization and academic refinement of legal theory is an inherent requirement and important pathway for theoretical innovation. Only a scientific, systematic, and complete theory of the rule of law can provide strong, comprehensive, and coordinated theoretical support for comprehensively advancing law-based governance. With regard to the conceptual system of the rule of law, its scientific and systematic construction must meet the following overall requirements: scientific and clear classification, well-defined logical relationships, rational hierarchical structure, complete and harmonious system, and organic and integrated unity. It is essential to prevent problems such as unclear relationships, logical confusion, conceptual overlap, and misaligned hierarchies within the system. We must strengthen in-depth research on the relationships among the concepts of the rule of law, such as the relationship between ‘pursuing coordinated progress in law-based governance, law-based exercise of state power, and law-based government administration’ —

21 XI JINPING, *supra* note 1, 4.

particularly the concept of ‘law-based governance’ — and the provision that ‘the People’s Republic of China practices law-based governance’ as stipulated in the current *Constitution*; the relationship between the concept of ‘taking integrated steps to build a country, government, and society based on the rule of law’ — particularly the concept of ‘building a country based on the rule of law’ — and the provision that ‘the People’s Republic of China shall build a socialist state under the rule of law’ as stipulated in the current *Constitution*; and so on.

E. Upholding Development and Practical Orientation

Development is the fundamental mode and inexhaustible driving force for the progress of human civilization. From ‘law-based governance’ to ‘comprehensive law-based governance’, from ‘a country under the rule of law’ to ‘the rule of law in China’, from ‘forming a legal system’ to ‘building the system of the rule of law’, from ‘having laws to follow, strict observance of laws, rigorous law enforcement, and punishment of all violations’ to ‘sound legislation, strict law enforcement, impartial administration of justice, and society-wide observance of the law’, from strengthening domestic construction of the rule of law to ‘advancing the rule of law in domestic and foreign-related affairs in a coordinated manner’, from ‘providing a long-term and stable guarantee of the rule of law for building a moderately prosperous society in all respects’ to ‘striving to build a modern socialist country in all respects under the rule of law’ — each new concept, judgment, principle, and initiative put forward in the development of the rule of law marks and drives the continuous enrichment and refinement of the conceptual system of the rule of law in the new era. With the continuous advancement of the practice of socialism with Chinese characteristics in the new era and on the new journey, especially the construction of the rule of law in China, it becomes increasingly necessary to strengthen research on major theoretical and practical issues of Xi Jinping Thought on the Rule of Law. By summarizing and refining the concepts of socialist rule of law with Chinese characteristics that are subjective, original, and distinctive, we will inevitably promote the timely evolution and continuous development of the conceptual system of the rule of law in Xi Jinping Thought on the Rule of Law. General Secretary *Xi Jinping* emphasized: ‘The leap in theory is not reflected in the novelty of phrasing, nor in the self-consistency or

self-verification of logic, but fundamentally in the ability to respond to practical problems and guide practical development.’²² We must proceed from the concrete practices of comprehensively advancing law-based governance, and draw upon the vivid realities of Chinese modernization to mine new materials, identify new issues, propose new viewpoints, and establish new concepts and categories in the field of the rule of law. From these foundations, we can extract new theories of the rule of law that are academically rigorous and systematically structured, and summarize new practices of the rule of law that are characterized by regularity and creativity. Through these efforts, we will continuously enrich and further improve the conceptual system of the rule of law in Xi Jinping Thought on the Rule of Law.

(Translated by Fu Xin)

(Edited by Zhai Yujia)

22 Xi Jinping, *supra* note 17.