

The Co-effect of Law and Morality: on the Legitimacy of China's Quarantine Measures Against COVID-19

Yuzhe HONG

School of English for International Business, Guangdong University of Foreign Studies, China

Kaiju CHEN (Corresponding author)

Center of Business Culture and Philosophy of Culture, Institute of Hermeneutics, Guangdong University of Foreign Studies, China; Institute of Advanced Studies, University of Chinese Academy of Social Sciences, China

Abstract

Over the past few decades, the world has seen the dispute between the modern rule of law and traditional rule of morality, and the conflict of these two models of social governance sharpens during COVID-19. The rule of both morality and law in China, which has been criticized by the western world, was proved to be efficient during the campaign against COVID-19. China's quarantine measures constitute an important part of China's anti-pandemic combat. At present, such countries like the USA, the UK, and France, which have failed to respond adequately to the pandemic, are trying to condemn China by doubting the legitimacy of China's quarantine measures to transfer the domestic public sight and cover up their failure. This paper first presents the legal basis of China's quarantine measures in established laws. It is found that quarantine measures in China have a valid basis in the Chinese legal system. Employing the theory of Five Regulations of Using Public Power, the author then analyses the legitimacy of the operation of China's quarantine measures. Based on Confucian theories of sacrificial structure and governance, the author finally reviews and evaluates both the practice and the effect of the rule by morality in China's public administration.

Keywords: Quarantine measures, law, morality, China

1. Introduction

China was the first country in the world to suffer a serious COVID-19 outbreak and in the face of it, China has taken active and effective responses like imposing quarantine measures to prevent the spread of the pandemic. Wuhan was the first city to be locked down, and then many of the badly hit cities also issued city closure. In these cities, people were strictly limited from going out and public places were closed to prevent close contact. By fully exerting the advantages of China's social governance system of rule of both morality and law, which emphasizes the concepts of "people first", "life first", China has achieved prevention and control of COVID-19 at the early stage of the pandemic.

In the U.S., where a single rule of law model of social governance is implemented with a complete legal system, state governments have been busy debating the legitimacy of anti-pandemic measures and asking for financial support from the central government. As Gavin (2020) stated, "for at least six weeks after the first cases of COVID-19 arrived in the U.S., the federal government—and most state governments—did not attempt to put in place measures like stay-at-home orders, aggressive testing, isolation, contact tracing, or quarantine. Financial barriers to isolation and care remain. This sluggish response gave the virus weeks to spread unfettered and virtually undetected". The governance system of the U.S. is facing a great challenge. The patchwork of varying state policies and often-contradictory messaging about safety measures, including face masks and social distancing, may well amplify the harms to human health and the economy resulting from a much-delayed initial response (Yamey, 2020). In coordination with local or state public health departments and the federal Centers for Disease Control and Prevention (CDC), states in the U.S. grappled with difficult public health responses to the pandemic in the face of great uncertainty (Neal & Joanna, 2020).

Xia (2020) claimed that when public health emergencies occur, all aspects of society are affected by a special situation that is very different from normal times. Under this circumstance, society changes its operation mode. This abnormal state will bring a severe test to the government and the public, and it is undoubtedly a test of a country's governance system.

Otherwise, under the circumstance of COVID-19 spreading globally as an international public health event, most countries are in the struggle combating against the virus. However, some countries (i.e., the USA) that did not effectively combat the epidemic are attempting to criticize China that its quarantine measures violated morality and law. It suggests that rather than ignoring this prejudice of the west, China should defend itself to gain a positive international image and more importantly, to disseminate the experience of fighting against COVID-19 to the people of other countries who are still suffering from the epidemic.

2. Analysis from the perspective of law

Isolation of confirmed or suspected patients and their close contacts is currently the most direct and effective prevention and control measure adopted by all countries in the emergencies of infectious diseases.

In the process of prevention and control of COVID-19, the quarantine measures taken by the Chinese government have played a critical role in curbing the spread of the epidemic, and have also been supported by the domestic society and the public. In the process of building a country and a government under the rule of law, the isolation measures of China must follow relevant laws and regulations, and be operated under due procedures and legal principles.

However, during severe acute respiratory syndrome (SARS) in 2003 and COVID-19 in 2019, the epidemic prevention measures, especially quarantine measures, are partly excessively enforced by law enforcement departments, which makes it hard for citizens' freedom rights to be effectively guaranteed during this period.

Though it is of great necessity to appropriately restrict individuals' freedom of going out during the epidemic, the legitimacy of the quarantine measures should be proved under the requirements of rule of law.

In this section, the author will demonstrate the validity of China's quarantine measures utilizing providing established law terms about quarantine measures and analyzing these measures from the perspective of the theory of Five Regulations of Using Public Power.

2.1 Established laws

The outbreak of SARS was the turning point of China's legislation to focus on public health emergencies (Liu et al., 2020). During the SARS epidemic, the anti-SARS measures, which involved restriction of personal freedom, had some defects in terms of validity. According to Articles 8 and 9 of *The Law on Legislation of the People's Republic of China (2000)*, the personal freedom of citizens, which relates to quarantine measures, is an absolute reservation of the law. The personal freedom of citizens can be restricted only if there is a legal basis. However, because of the deficiency of established laws, the quarantine measures during the SARS were mainly based on the "emergency regulations for public health emergencies" formulated by the State Council at that time. It was not until the revision of the *Law of the People's Republic of China on Prevention and Control of Infectious Diseases (2004)* in 2004, which provided the legal basis to the quarantine measures on the restriction of personal freedom of citizens. After that, China formulated the *Law of the People's Republic of China on Emergency Response (2007)*. And revised the *Law of the People's Republic of China on Frontier Health and Quarantine (2007)* several times (Chen, 2020). These laws provide a legal basis for the various quarantine measures in response to public health incidents and infectious diseases.

In the current laws and regulations, the basis for the implementation of quarantine measures mainly includes articles 39, 40, and 41 of *Law of the People's Republic of China on Prevention and Control of Infectious Diseases (2004)*, which respectively stipulate the rules of quarantine measures taken by medical institutions, disease prevention and control institutions and governments [6]. Among them, the medical institutions are responsible for medical treatment in the period of quarantine and the designated places for the medical observation of patients, suspected patients, and close contacts. The disease prevention and control institutions are responsible for taking medical treatment for close contacts at the designated place. The governments can quarantine the personnel in the places where the cases of infectious diseases occur. Furthermore, Article 12 of the *Law of the People's Republic of China on Prevention and Control of Infectious Diseases (2004)* stipulates that all individuals in China should accept these anti-epidemic measures. In other words, to prevent the further spread of the epidemic, the individuals who need to be quarantined must cooperate with the related institutions.

However, during the period of COVID-19, more strict measures were adopted throughout the country like locking down roads and blocking management of all residential areas. It put forward challenges and called for reformations to the present system of laws. In the following sections, the author will give a more detailed description of this situation and attempt to give some suggestions.

2.2 Analysis from the perspective of the theory of Five Regulations of Using Public Power

Xia (2020) argued that the key to the rule of law is to control the operation of public power. In the operation of state's public power, whether it is decision-making, implementation of the resolution of social contradictions and disputes, five requirements must be applied based on the ideology of rule of law, namely the theory of Five Regulations of Using Public Power and the administrators must constantly examine in the whole process of decision-making, implementation and dispute resolution, whether the operation of public power meets these requirements: lawful purpose, lawful authority, lawful content, lawful means, and lawful procedure.

The legitimacy of the quarantine measures taken by the Chinese government will be analyzed from the perspective of these five rules of using public power.

(1) lawful purpose

When using public power to make certain decisions and behaviors, the administrators must conform to the purpose of laws and the spirit of rule of law. The purpose of the Chinese government to take quarantine measures was to prevent, control,

and eliminate the prevalence of the epidemic and to protect public health. As stated by Wendy & Michael (2020), in the theory of public health, quarantines and travel bans are often the first response against new infectious diseases and the most effective means to eliminate and curb the prevalence after the occurrence of infectious diseases. To minimize the loss of the epidemic and quicken the restoration of social order, the Chinese government was wise to take quarantine measures whose purpose is consistent with that of the *Law of the People's Republic of China on Prevention and Control of Infectious Diseases (2004)*.

(2) lawful authority

The use of public power should be carried out within the scope of legal authority. Laws endow power to public power organs and define the corresponding limits of the operation of public power. After the outbreak of the epidemic, the Chinese government transformed the social governance system from normal to abnormal. Compared with the normal time, the public power in the abnormal time is more concentrated. *Law of the People's Republic of China on Prevention and Control of Infectious Diseases (2004)* stipulates that the local government and medical institutions are the main units with the right to implement quarantine measures, and the police departments can assist in the compulsory quarantine of those who refuse to cooperate.

(3) lawful content

When the administrators use public power to make decisions, some legal norms and current effective legal provisions must be abided by specifically. In addition, the administrators must also abide by the general legal principles, including the principles of faith, equality, and administrative self-control. The purpose of taking the general legal principles as the standard to guide the operation of public power is to regulate administrative behavior. In the process of taking quarantine measures, abiding by general legal principles, the Chinese government respected and protected every citizen and regulated related laws. In epidemic prevention and control, the administrators implement the principle of equality to balance the interests of the individual and the society and treat the legitimate rights of local and foreign citizens equally.

(4) lawful means

Lawful means require that the ways and operations of using public power complying with the provisions of laws and regulations. Any behavior of the administrators can violate the individuals' and public interests. Therefore, corresponding to the lawful purpose, the ways and measures to use public power must also be carried out within the framework of the law. If there is no restriction on the power of public administration to pursue its purpose by any means, this will cause the abuse of public power and violate the requirements of rule of law. In the emergency process, we should pay much more attention to the importance of lawful means. In the process of taking quarantine measures, we saw that during the process of COVID-19, China's social media repeatedly stated several viewpoints, such as "controlling the degree", "isolating the virus, not isolating love" and "comprehensively considering the legal and emotional principles". These viewpoints also served as the working norms of the Chinese government when implementing quarantine measures (Han & Wang, 2020).

(5) Lawful procedure

The decision and implementation of quarantine measures should comply with the requirements of due procedure. Although the principle of the due procedure will be limited in the state of emergency, the government should follow clear legal procedures when using public power, which has been accepted by the legislative organs of most countries under the rule of law. The initiation of China's emergency mechanism is in line with the lawful procedures and the formulation of the prevention and control emergency plan has democratic participation and scientific demonstration, which have been agreed by the Chinese National Council. After the outbreak of SARS, China's legislation began to focus on public health emergencies. In this circumstance, several laws were established or revised, such as the *Law of the People's Republic of China on Prevention and Control of Infectious Diseases (2004)* and the *Law of the People's Republic of China on Emergency Response (2007)*. These laws give medical institutions, disease control and prevention institutions, and local governments the right to carry out necessary quarantine measures in public health emergencies. These laws also stipulate the lawful procedure in the operation of quarantine measures and designate different work to different departments as stated in section 2.1.

2.3 New challenges of laws and suggestions

During COVID-19, some extreme measures such as locking down roads, blocking management of all residential areas were adopted throughout the country to curb the spread of the virus. With the continuous increase of emergency measures and liberty limiting measures of local governments, the formulated measures gradually changed from requiring residents to reduce going out to requiring residents to stay at home.

The purpose of these locked measures was to restrict the residents' going out as much as possible to limit the flow of residents. The quarantined objects of such lockdown measures had expanded from a small range of people to all residents. Measures of this kind had few legal bases which can be found in Article 49 of *Law of the People's Republic of China on Emergency Response (2007)* and Article 42 of *Law of the People's Republic of China on Prevention and Control of Infectious Diseases (2004)* on place closure.

For the sake of protecting public health when public health emergencies occur, Chinese governments are allowed to take temporary freedom-restricting measures according to the law. However, in some public health events that cannot be covered by established laws, the government's extreme measures to control the disease triggered the contradiction between the necessity of disease prevention and control and the protection of individual's legal rights. If we ignore this dilemma, it will inevitably lead to the loss of the lawful boundary of various prevention and control measures and as long as there is a public health event happens thereafter, various measures to cut off the contact will be arbitrarily used, which make it more possible of the violation of individual's legal rights.

Montesquieu (1961) said that people who have power will use it unless there are boundaries of the law. To make the administrators play their due roles in using public power, there must be a restriction of them. To prevent the abuse of public power caused by the excessive administrative power of the government in the implementation of various quarantine measures, we must follow the requirements of legal ideologies to supervise the legitimacy of relevant public power decisions and behaviors, thus promoting the coordinated development of power and rights. Furthermore, the various quarantine measures adopted by the government should be reasonable and equal. Xia (2020) said that the principle of equality requires substantive consideration. When formulating and implementing norms, we should rationally consider all kinds of social factors, emphasize the standard of equality in all situations, and prevent arbitrary administration.

To sum up, after the dust settles, the government should work on improving the relevant legislation of anti-epidemic measures and building a systematic, scientific, standardized, and effective legal system of epidemic prevention and control. To make a response to the problems exposed in quarantined objects, implementation procedure, and protection of citizens' legal rights, the Chinese government should appropriately revise the established laws, optimize the procedural rules in time, thus promoting the development of the public health legal system and ensuring that the response measures of epidemic prevention and control have a legal basis. The supervision of the implementation process of quarantine measures should also be strengthened to protect the citizen's legal rights and maintain social order.

3. Analysis from the perspective of morality

3.1 Confucian ethics of sacrifice

Chen (2008) thought there is a "sacrificial construction" within the boundary of all living things. The creatures and the environment are related to each other. However, some living individuals must sacrifice other living individuals to some extent to maintain their existence. This is the interpretation of the story of "the ox and the sheep" in Mencius, and the story is as follow:

The king was sitting in the hall. A man passed by with cattle. When the king saw him, he asked, "Where are you going to take the cattle?" The man answered, "Use it to worship the bell." The king said, "Set it free! I can't bear to see it tremble with fear and be killed without any guilt." The man asked, "Then should we cancel worshipping the bell?" The king said, "How should we? Replace it with sheep!"

Mencius said, "One is capable to unify the world with such a heart! (Worshipping the bell with sheep instead of cattle) People may think that the king is mean. I knew that the king took pity on the cattle." King Xuan said, "Yes, there are people who talk like this. Although the state of Qi is small, how can I spare cattle? It's because I can't bear to see it tremble and be killed, so I replace it with sheep."

King Xuan defended himself that there was no real difference between using cattle and sheep to worship the bell. The reason why he decided to use sheep to worship the bell was that he saw the cattle trembling before the bell, and he took pity on it. Ignoring the authenticity of Xuan's explanation, the problem is that if he saw the sheep shivering at that time, he might also ask for "changing cattle for sheep". In other words, there was no entanglement in how to choose between sheep and cattle as they have different values.

The story shows that in any case when a choice has to be made, no perfect option will be achieved, as we have to sacrifice the other objects when one is chosen. Chen (2008) said that every choice involves the loss of value or some kind of sacrifice. This loss can be tolerated, not because someone has an absolute and innate judgment on the value of a thing, but because the painful judgment caused by this emergency is unavoidable. From the perspective of benevolence, every creature should be respected and cared for, but when it is necessary to choose between the two, this choice has to be made with deep regret.

To sum up, it is obvious that "sacrificial structure" has a rich connotation. It has an in-depth discussion of the problem. It states that if the king does not see cattle (or sheep) to worship the bell, then there is no essential difference between cattle and sheep, but one choice has to be made under the circumstance of some sacrifice. It also reveals that although people are compassionate, they are aware of it only when they see the misfortune of other things or people.

Under the premise of "all things in one" of Confucianism, when the big thing is being threatened and impeded from development, some parts of it have to be sacrificed.

3.2 Confucian thought of the rule of morality

Traditionally, China has always been a society with agricultural civilization. The economic foundation and the division of labor structure jointly determined the specific historical logic of China: the natural economy and the acquaintance society constituted an ethical society with the close relationship of family and country, which is the same set of principles that implemented in governing the family, country and even the world. Chen (2019) stated that when dealing with family or national problems, people are accustomed to taking morality as the first choice rather than law. Only when moral education is not enough to deter the ruled class, can the ruling class use strict laws. Confucius believed that the governance of a country depends not only on severe legal sanctions but more importantly on tolerant moral education. Confucius said that to govern the people with decrees and to rectify them with criminal law, the common people only want to dispense the crime and punishment, but they have no sense of shame; to guide the people with morality and assimilate them with etiquette, the people will not only have a sense of shame but also have a sense of submission (The Analects of Confucius for politics).

Confucian ethics itself constructs social order by the social relationship based on kinship and interpersonal relationship. Historically, benevolent governance and the rule of morality are the core ideologies of ancient Chinese social governance. The two ideologies can be traced back to the governance values of the Zhou Dynasty. "Cultivating morality throughout one's life" was mainly reflected in the administrator's understanding of the importance of morality and the initiative of moral behavior; "respecting morality and protecting the people" means that the governors must implement the moral policy that protects and benefits the people, and the governors should be cautious in punishment, so as not to disturb, hurt or harm the people. The "morality cultivation" and "morality respect" advocated by the people of the Zhou Dynasty are not only the requirements of the governors but also the requirements of institutional arrangements, which had a far-reaching impact on the later Confucianism.

According to Confucius, benevolent governance means to govern with morality, that is, the institutional arrangement and implementation of the state and society must conform to the people's will, and convince people with morality (Ning & Wang, 2019). Confucian benevolence refers to not only regulating oneself but also loving others. From a negative point of view, benevolence is "don't do to others what you don't want to do to yourself" (the Analects of Confucius · Yanyuan). Mencius, the representative of Confucianism, further systematized the Confucian theory of governance value. He opposed hegemonism and believed that convincing people with virtue is the necessary choice of benevolent governance. At the same time, he further expounded that the core of the thought of benevolent governance is the people-oriented thought, emphasizing that "the people are the most important, the country is the second, and the monarch is the least". He advocated that "the ancient wise king liked benevolence but ignored power" and "those who are benevolent should be in a high position; those in a high position who is not benevolent would expose their evilness to the public". Meanwhile, it also required the administrators to "respect the wise people and use their abilities, and if a wise man is in power, all the people in the world will be happy".

From the above Chinese traditional Confucian classics, we can see that Confucius and Mencius' thought of the rule of morality advocated improving individual's moral level by improving that of the governing class, implementing people-oriented benevolent governance, and then achieving the goal of the rule of morality. These thoughts focus on improving the moral level of the governing class and establish the value orientation of Confucian governance, which is people-oriented, serving people with morality and combining morality and punishment.

For a long period, the thought of the rule of morality was the dominant ideology of China's national governance whose core is people-oriented. The thought of the rule of morality not only advocated the moral restraint of individuals but also advocated that the ruling class should be moral in governing.

Under the circumstance of public health emergencies such as COVID-19, which can threaten people's life safety, some necessary measures are urgently needed to protect people under the people-oriented requirements of the rule of morality.

3.3 Moral analysis

Human rights are inviolable. However, every viewpoint exists with its presupposition and its supporting ideas. Cao (2020) stated that human beings are living in a society with others and no one can live alone. Therefore, it makes no sense to talk about human rights without considering others in society. Furthermore, when we consider human rights, we cannot ignore the necessity of the continuation of life because if one's living and healthy rights are not guaranteed, other rights are meaningless. Chen (2008) said that throughout one's life since he was born as a baby, he survives and grows up because of the care of his parents and even more other people. What supports the continuation of our life are not natural will, but the benevolence and moral responsibility of others, especially parents. Safety, one of the human rights, is different from other general rights. It is not given by a specific social system but is natural. A society that denies the guarantee of life safety is a society without morality. Only on this premise can other rights exist. A government that follows the rule of morality will take all necessary measures to protect people's life safety.

The continuation of human life is not an individual issue, it is about the continuation of society. Therefore, human rights should be considered at the scope of the whole society. Meanwhile, the individual's appeal, whether it is from the insiders or outsiders, cannot be used as a criterion to judge the legitimacy and righteousness of a collective measure or behavior. Everyone lives together and relates to each other closely. It is improper to blindly emphasize individual rights when the responsibility to others in common life is neglected.

During the epidemic, quarantine measures are made in the consideration of collective life safety. In a certain sense, as far as the measures of quarantine are concerned, on the one hand, it is self-evident that quarantine is effective in reducing infection and its starting point and motivation are to protect the personal safety of all quarantined people with some sacrifice on their freedom for going out. It is a protection of the most basic human right: life safety; on the other hand, no matter who, if his claim of going out during the city closure is satisfied, the possibility of the spread of the virus will increase and will bring out an evil impact on the society and other people. That is the situation in which human rights are truly violated. In any case, as long as an individual lives in society, he has a social responsibility, which requires him to behave in adherence to social rules of modality. In other words, the freedom of any individual is not abstract freedom beyond social responsibility.

From the analysis of the above two aspects, the debate about the ranges of quarantined people and whether the individuals would be satisfied or not is more like the struggle between the two opposing parties of interests, rather than the discussion about the way to solve the problem between individuals in the community of interests. This kind of struggle ignores the fact that people coexist with each other and it causes the division of the group while making a little contribution in solving the problem. In the opinion of traditional Confucianism, the root of this split lies in the absence of benevolence and morality. The kindness to other people and creatures that embodied in King Xuan's statement "not bearing seeing the death of cattle" should be regarded as a basic principle to solve the problem in the community of people.

To sum up, from the perspective of the ethical principles contained in the Confucian "sacrificial structure", the significance of China's quarantine measures during the COVID-19 mainly has two aspects. First, the choice of lockdown is not the result of different parties' struggle but is the choice under the consideration of social morality, which contains the protection of people's lives and health and shows the government's respect and kindness to people. Second, the birth and continuation of individual life are based on the premise of group co-existence, so it is inappropriate to talk about individual rights or responsibilities abstractly with the ignorance of group living.

4. The co-effect of law and morality during COVID-19

Chinese traditional Confucian thought of the rule of morality provides value-oriented support for Chinese contemporary social governance from two dimensions.

First, it provides the basis of value judgment for the existing legal rules. The goal of rule of law of China is to realize "good law and benevolent governance". Aristotle (1996) linked the concept of good law with moral value. He believed that one of the standards of good law is to reflect the moral value that people cherish. The individual is the principal part of social life, and the value orientation of institutional ethics should reflect the moral value of the people in the society it serves. Then, the formulation of law in the rule of law needs to be based on the social characteristics and contemporary development trends.

Second, it provides guidance of value for the combination of the rule of morality and rule of law in social governance. The modern rule of morality emphasizes the moral cultivation, moral sentiment and moral education of politicians should be under the regulations of law framework that the law restricts the public power and everyone is equal in the law. The value orientation of the Confucian thought of the rule of morality is people-oriented and emphasizing persuading people by morality and it is of positive significance to establish human dignity and maintain interpersonal relations and provides the basis for the combination of rule of morality and rule of law in social governance.

Max Weber (2004) thought that the social life organized by small communities in ancient China is contrary to the modernity of the West. Contemporary China's social governance draws lessons from western economics and western rule of law thought, takes the assumption of "economic man" as the premise of governance and regulation, and makes a series of institutional arrangements with the help of public power, like the formulation of laws, through the promulgation of taboos and its punishment measures. However, although this kind of institutional arrangement can meet the minimum regulation of social behavior, it cannot achieve a society of high moral standards. Economists argue that the performer of benevolent governance is not necessarily the government and what decides the rational allocation of social resources between people is not necessarily the compulsive force of a state but can be a moral habit or force.

The moral force of Chinese society was fully manifested in the face of COVID-19. The Chinese government provided free medical treatment for patients with new crown pneumonia. After Wuhan was locked down, to give treatment to all COVID-19 patients, the Chinese government invested huge amounts of money and built the Huoshenshan hospital and Leishenshan Hospital in about ten days. 86 new designated hospitals were reconstructed or built, and 3000 beds per day on average were added in 16 square hospitals, and more than 60 thousand beds were added to meet the needs of the increasing patients. If the scale of 1000 beds is used to calculate a hospital, it means that 60 new hospitals with 1000 beds in each hospital were built in Wuhan within one month. In response to the rapid increase in the supply of hospital beds, more than 40000 medical staff across the country volunteered to rush to Wuhan to participate in the treatment of COVID-19 patients. 19 provinces supported the COVID-19 patients in 16 cities outside Wuhan in Hubei province. While rescuing Hubei, other areas of China rapidly initiate the first-level response to an emergency public health emergency, forming a system for rapid diagnosis and treatment of new corona pneumonia and a system of prevention and control of COVID-19 with universal participation. Across the country, countless volunteers worked hard to help those who were quarantined at home. They guarded in the community, sent grain, vegetables, meat, and other life necessities to the quarantined people, and solved various problems of the quarantined people.

As discussed above, there are connections and contradictions between the principles of the rule of morality and the principles of rule of law. Even in normal times, we need to be cautious to apply and differentiate them in specific events. In the special case of a major epidemic outbreak, the demand for such a demarcation is even more urgent. Both rules of morality and rule of law have their value evaluation systems and to achieve the balance of the two during the epidemic, we need a meta value that can integrate the two.

From the above analysis, we can find that only the people can be served as the meta value. Only the people have the power to achieve the integration of the state and the society in the broadest sense. Only with the people as the principal part of the society, will it be possible to solve the contradiction between the rule of morality and rule of law. People are the most fundamental value starting point of every act and policy of the government.

5. Conclusion

Based on an analysis of China's quarantine measures against COVID-19 from the perspectives of law and morality, this study examines the legitimacy of these measures by employing Confucian sacrificial structure, Confucian thought of the rule of morality, and the theory of Five Regulations of Using Public Power and looking for the legal basis of these measures in China's established laws.

By analyzing the moral connotation of the story of cattle and sheep in Mencius, the author makes discussion on the Confucian sacrificial structure and adopts it as a tool to analyze the moral manifestations embodying in China's controversial quarantine measures against COVID-19. With Confucian thought of the rule of morality, this paper demonstrates the people-oriented idea contained in China's quarantine measures. In the next section, several of China's established laws about prevention and control of infectious diseases are listed and the history of China's legislation about prevention and control of infectious diseases is also mentioned to prove the legitimacy of the quarantine measures.

By examining the legitimacy of China's quarantine measures during COVID-19, this study is expected to shed light on the improvement of the moral and legal consciousness of the citizens of our country. It also offers insights into the improvement of the Chinese government's implementation of quarantine measures like optimizations of related laws, detailed regulations on quarantine procedures, and equality for every citizen. Future studies can extend the scope of study to other campaigns (i.e., China's financial policies and patients' medical fees) to examine the legitimacy of other China's anti-epidemic measures.

References

- Aristotle. (1996). *Politics*. Trans, Wu, S. The Commercial Press, 126.
- Cao, M. (2020). "City Closure" and Confucian "Sacrificial" ethics (In Chinese, "封城"与儒家"牺牲"伦理). *Journal of South China University (social science edition) (南华大学学报(社会科学版))*, 21 (3), 31-32. doi:10.13967/j.cnki.nhxb.2020.0041.
- Chen, C. (2020). Legal basis and legal optimization of quarantine measures in emergent infectious disease events (In Chinese, 突发性传染病事件中隔离措施的法理依据及法律优化). *Journal of Taiyuan University (Social Science Edition)(太原学院学报(社会科学版))*, 21(04), 39-44. doi:10.13710/j.cnki.cn14-1294/g.2020.04.006.
- Chen, L. (2008). *Wang Yangming's Theory of the Unity of All Things: From The Perspective of "Body-body"* (In Chinese, "万物一体"论:从"身一体"的立场看). East China Normal University Press, 7, 101, 183.
- Chen, S. (2019). Confucianism and freedom: an issue still to be discussed (In Chinese, 儒学与自由:一个仍然有待商讨的问题). *Journal of East China Normal University (philosophy and social science edition) (华东师范大学学报(哲学社会科学版))*, 51 (2), 1-6. doi:10.16382/j.cnki.1000-5579.2019.02.001.
- Goldstein, N. D., & Suder, J. S. (2021). Application of state law in the public health emergency response to COVID-19: an example from Delaware in the United States. *Journal of Public Health Policy*, 42(1), 167-175. doi:10.1057/s41271-020-00257-8
- Han, X., & Wang, X. (2020). Implementation of the Value of "People First" under the Epidemic Situation: From the Perspective of Moral and Legal Governance Dilemma and Solution (In Chinese, 疫情态势下"人民至上"价值的落实——以道德与法治治理困境及破解为视角). *Journal of Wuhan University of Science and Technology (social science edition) (武汉科技大学学报(社会科学版))*, 22 (05), 479-483. doi:CNKI:SUN:WHKS.0.2020-05-002.
- Liu, X., Xie, P., & Wang, Y. (2020). Research on Improving the Construction of China's Epidemic Prevention Legal System from Multiple Perspectives (In Chinese, 多视角下完善中国防疫法律体系建设研究). *Academic Exploration (学术探索)*, 07, 68-74. doi:CNKI:SUN:YXST.0.2020-07-009.
- Max, W. (2004). *Max Weber's Portfolio*. Trans. Kang, L., Jian, H. Guangxi Normal University Press, 56.
- Montesquieu. (1961). *On the Spirit of Law: Volume 1*. Trans. Zhang, Y. The Commercial Press, 154.
- Ning, Y., & Wang, Y. (2019). Integration of Socialist Core Values into Social Governance: Value, Dilemma and Reality (社会主义核心价值观融入社会治理:价值、困境与现实). *Research on Ideological and Political Education (思想政治教育研究)*, 01, 34-39. doi:10.15938/j.cnki.ipcr.2019.01.007.
- Parnet, W. E., & Sinha, M. S. (2020). Covid-19-The Law and Limits of Quarantine. *New England Journal of Medicine*, 382(15). doi:10.1056/NEJMp2004211
- Xia, J., & Wu, M. (2020). Study on the Legal Issues of Quarantine Measures in Public Health Emergencies (In Chinese, 突发公共卫生事件中隔离措施的法律问题研究). *Journal of Changzhou University (social science edition) (常州大学学报(社会科学版))*, 21(6), 18-29. doi: CNKI:SUN:JSSB.0.2020-06-003.
- Yamey, G. (Producer). (2020). U.S. Response to COVID-19 is Worse than China's. 100 Times Worse. [Online] Available: <https://time.com/5850680/u-s-response-covid-19-worse-than-chinas>. (June 10, 2020)
- Zhang, R. (2020). Legal Analysis and Improvement of Quarantine Measures in COVID-19 Epidemic Prevention and Control (In Chinese, 新冠肺炎疫情防控中隔离措施的法律分析与完善). *Journal of Kunming University (昆明学院报)*, 42(4), 35-40. doi: 10.14091/j.cnki.kmxyxb.2020.0



This is an open-access article distributed under the terms of the Creative Commons Attribution Licence (CC-BY) 4.0 <https://creativecommons.org/licenses/by/4.0/>, which permits unrestricted use, distribution and reproduction in any medium, provided the original author and source are credited.