

MINH MENH'S THOUGHT ON HUMAN RIGHTS: FUNDAMENTAL CONTENTS, PRACTICAL SIGNIFICANCES, AND ISSUES FOR VIETNAM TODAY

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Abstract

Minh Menh (1791-1841) is one of the leaders, politicians, and typical thinkers at the end of XVIII - the beginning of the XIX century in Vietnam. Being a thinker, he left to the history of Vietnamese national thought many modern and progressive views with certain values. One of the most progressive in Minh Menh's thoughts is about human rights. Minh Menh's thought on human rights was formed by reflecting the political, economic, and social conditions of that time and his wishes and aspirations towards a better, richer, and stronger country. Those thoughts not only have their values on theory and practice for Vietnam at that time, but they also certainly influence the orientation of building thought and action to implement human rights and liberate people in Vietnam today. Approaching from the aspects of philosophy, social philosophy, and political philosophy, through research and analysis of material in Essential Records of Minh Menh (Minh Mệnh Chính Yếu) of the Ministry of Culture, Education and Youth, Saigon, 1974; materials of the previous researchers and guidelines, policies and laws of the Vietnamese Party and State on human rights, the article analyzes and clarifies the fundamental content on Minh Menh's human rights, analyzes the practical significance of the thought and issues for Vietnam recently by studying Minh Menh's thought on human rights. In addition to the introduction and conclusion, the article is structured into 3 main parts: (1), Minh Menh's thought on human rights; (2), the practical significance of Minh Menh's thought on human rights; (3), Many issues for Vietnam today.

Keywords: *thought, human, human rights, thought on human rights, Minh Menh*

1. Introduction

Minh Menh's thought on human rights reflects our social context at the end of the 18th century and the beginning of the 19th century as well as he desires to guide human rights actions taken and implemented in practice, which is Minh Menh's aspiration toward actualizing a stronger and better country to develop people and country. The viewpoint is toward the people, building qualities to promote people, that more or less pose the problem of liberating people, such as liberating people from poverty, ignorance, liberating people from injustices in society. Therefore, the main of Minh Menh's thought on human rights is the thought of liberating people from oppression, exploitation, and restriction of human liberties. This is the basis to explain Minh Menh's thoughts ahead of its time on human rights and human liberation and their values up to now. Minh Menh's thoughts on human rights and human liberation can be summarized in the following main contents:

Research methods

The article uses dialectical and historical materialism methodologies in research and specific methods include analysis, synthesis, logic, and history.

Techniques used:

The article uses research techniques and documents analysis in "Essential Records of Minh Menh" of the Ministry of Culture, Education and Youth, Saigon, 1974; materials of previous researchers and the guidelines, policies, and laws of the Communist Party of Vietnam and the Government of Vietnam on human rights.

Research questions

Question 1: What are the fundamental contents of Minh Menh's human rights reflected?

Question 2: What are the practical significance of Minh Menh's thoughts on human rights?

Question 3: What are the issues for Vietnam today via studying Minh Menh's thoughts on human rights?

Research purposes

From pointing out the fundamental contents of Minh Menh's human rights, the article analyzes its practical significance and the issues posed for Vietnam today via studying Minh Menh's thoughts on human rights.

2. Results and discussion

Minh Menh's thoughts on human rights

Firstly, the viewpoints of Minh Menh on human rights

In the process of forming and developing the country, our nation had to face many natural disasters, enemy calamities, and historical challenges so our permanent need is the need for collective strength, the need for community solidarity. Thus, the dominant problem is that the national consciousness is put on top, the individual is dissolved and the sense of individual rights is blurred. Thought for the prosperous development of the country, caring for the life of the people, and promoting the strength of community in the process of building and protecting the country is clear in all the policies and activities of the reigning kings, including Minh Menh. Minh Menh's thought on human rights is the one of the value, the need, the objective profits of people about themselves and to society toward a better life for people. In Essential Records of Minh Menh, many times he mentioned his desires of a peaceful country and prosperous life for the people: "The first job of regal politics is to first focus on making the people full" [7,62], "There's nothing else in supporting the people, just letting the people live in peace, so when it comes to ruling the people, they must make sure that the people are crowded" [10,68], "I am the owner of the country that still want the people in the country that no one without a place to live" [8,370], "Keeping the people, there is no other way, it's just the rest and reproduction, therefore, in ancient times, when talking about a prosperous country, it must be said that the people were crowded. Since ascending to the throne, I have only taken care of raising the people and giving favors to the mandarins, to hope for our people to reproduce more and more to be prosperous" [11,243].

Secondly, the viewpoints of Minh Menh on how to protect the human rights

In the Minh Menh dynasty, the issues of caring for the people with many actual needs and profits became the important social basis to create the stability and the development of the social community, to construct and protect the country. The issues of human rights as well as the ways to protect them were done through two methods, which are through the legal regulations and the moral standards, principles. Human rights in the Minh Menh dynasty was implemented by different levels that required to be legalized, approved, and protected by laws, all of which were recorded and affirmed in The Vietnamese Emperor's Penal Code (Hoàng Việt luật lệ). Built in a stable, developed, and prosperous society, based on a rich and unique legal background, The Vietnamese Emperor's Penal Code reflects the need for society's progressive development during the peak of feudalism and promotes its role as a factor of social development.

Human rights are not only enshrined in law but also through ethical standards. Confucian ethical standards such as humanity, etiquette, righteousness, wisdom, and faith are considered immutable principles, which is the mainstay of the human religion, which is reflected in every detailed rule on the right to eat, the right to live, the right to stand and sit, the rituals to dress... Human religion is the values, moral thoughts, and principles of conduct that need to be respected, preserved, and followed as the obligations of each person towards members of the family and social community. According to Minh Menh, implementing human rights are always performed through the perception and implementation of human religion. "Prosperity or chaos the world is, it is all because of good or bad customs. Those who are the masters of the people know how to uphold their virtues, correct their customs, and be able to increase national longevity, and lay the foundation for long-term peace and security, all of which are included" [7,233].

Thirdly, the concept of human rights on Minh Menh's thought

Human rights are the main content performed through regulations of laws and Confucian moral standards, as follows:

Firstly, The Vietnamese Emperor's Penal Code had institutionalized many aspects of human rights such as protecting the right to life, human dignity, and preserving the peaceful life of the people. "Article 268 of The Vietnamese Emperor's Penal Code deals with the crime of forcing others to death, and Article 251 deals with the crime of conspiring to kill. Article 237 of the crime of threatening others to rob property. Article 305 Trial of slandering others. Article 265 prosecutes the crime of galloping in the capital and causing trouble [16,721]. From Article 229 to Article 250 dealing with thefts, all acts of infringing upon the private property of others are severely punished by law. For example, Article 239 of Hoang Viet's law stipulates: "Those who steal horses, buffaloes, goats, pigs, dogs, chickens, geese and ducks from the people will be prosecuted based on the amount of evidence". In the explanation, it is clearly stated: "If you steal private buffaloes or horses that are worth 100 taels of silver, you will have to be fined 100 staff, exiled 2,500 miles, and have words carved in your face. If they steal private buffaloes or horses worth 120 taels of silver or more, they must be put in jail" [16,609].

Moreover, Minh Menh understood that capacity, ethical qualities, and responsibilities of mandarins are factors that directly affect the implementation and protection of human rights. If mandarins lack capacity and ethical qualities, they can not guarantee to implement, protecting the legitimate rights and interests of the people, even violating human rights. Minh Menh especially promoted the fight against bureaucracy and corruption. Always having a tough attitude, he severely punished the mandarins harassing the people. On the other hand, he tried to perfect the legal system, set up the regulations to ensure that mandarins could not be bureaucracy and corruption. For example, the provisions of articles 112, 115, 118, 120, 320 of The Vietnamese Emperor's Penal Code aimed at punishing mandarins committing crimes of corruption of national property. In article 268, when the mandarins force others to die, they will be executed by beheading. Articles 312,314,315 provide for the punishment of mandarins for taking bribes,

as Article 312 of The Vietnamese Emperor's Penal Code provides: "When the mandarins receive bribes, they are all prosecuted the crimes according to the exhibits, regardless of the rank of the mandarins, they must be recovered the certificates issued by the king, along with the deletion of names in the mandarin books". Also according to Article 312, the prosecution of mandarins harassing the people: "For the mandarins who take advantage of the offender's fault and threaten to take people's money, the crime level will be reduced by one level to try, but the crime level is 100 staff, 2 years of imprisonment" [17,857].

Secondly, building social ethical standards to regulate human rights. Moral standards issued to the people and ethical standards for rulers serve as the basis for determining the specific ethical standards of behavior for the people, for the mandarins, and the king. Confucian ethical standards such as humanity, etiquette, righteousness, wisdom, and faith have been affirmed and become a real moral need and sentiment, voluntarily implemented by the people as well as being an important content to practice human rights. The highest moral standard of the people is that of every citizen in front of the destiny of the country so the virtue of loyalty is put first. Besides, to implement human rights in social life, Minh Menh had closely combined the development of ethical standards with the development of standards in the law. He focused his role and strengthened legislation in social management. The fact that the people, mandarins or even the king himself strictly abide by the law is also positively practicing the religion of being a man and of being a king. Trying to perfect the legal system creates a basis for resolute and timely handling of law violations, which is also a measure of great significance in moral education to implement human rights in practice. The views of Confucianism "respecting the military power", "the theocratic monarchy", "name and destiny", "moral", ... are not only used by Minh Menh as an ideological basis for the forming these laws, but they also defend and implement the above views of Confucianism, as an expression of Confucianism's idea of "I will worship the king with loyalty", in the content of the code there are provisions to strengthen the position and absolute authority of the king and the feudal state. Accordingly, all acts against the king and the feudal court were severely punished, and the perpetrators were sentenced to death, regardless of anyone and social status. According to article 2 of The Vietnamese Emperor's Penal Code, the crime of "Ten evils" includes: "treason (i.e. the crime of plotting against the king), the crime of great treason (the crime of harming the tomb of the king's ancestors), the crime of conspiring with friends (i.e. the crime of treason against the enemy), the crime of unruly sin (i.e. the sin of disobedience), the sin of immorality (i.e. the sin of no longer moral), the great sin of disrespect (i.e. the greatest sin of disrespect), filial piety (ie the sin of not being filial to one's grandparents, parents, and husband's), the crime of conspiring to kill or sell relatives (ie, the crime of not getting along with relatives), the sin of unrighteousness (i.e. the sin of betraying the benefactor), the crime of internal incest (ie the crime of incest). The sins of the Ten evils are considered great crimes so the leniency provided for in the law does not apply to these crimes" [14,105]. Therefore, all acts infringing upon the interests of the State are considered unfaithful, contrary to the Three Moral Bonds, contrary to etiquette, and severely punished by law. The above provisions of the law are the formalization and legalization of Confucianism's ideology of decency, the idea that "all power is concentrated on the king".

Besides the norm about adjusting the spirit of the king to Confucianism, the law also has regulations governing basic human and individual relationships in the spirit of the "cultivation of the body" and "the peaceful family" religion. Following this, crimes of violating the Three Moral Bonds religion, the "tông pháp" regime (which is an ancient principle of blood relation, its essence is to establish the right of the eldest son in inheritance), the "top-down order", the "three obediences four virtues" morality, the Confucian ethical standards are considered the greatest crimes of man, and serious violations of law and social order. Thus, children are obligated to obey and honor their parents who have absolute authority over them, all acts of filial piety, disrespect, and unrighteousness of children and grandchildren towards their parents and grandparents are serious violations of the "the peaceful family" religion and are classified as particularly dangerous crimes, second only to those committed against the king and country. Therefore, the crimes of filial piety, unrighteousness, conspiring to kill or sell relatives, and incest are ranked on the same level as serious political crimes such as treason, great treason, and conspiring with friends.

The practical significance of Minh Menh's thought on human rights

It can be summarized in two main contents as follows:

Firstly, Minh Menh's thought on human rights contributed to building and educated for Vietnamese people

Aspiration of the enduring country and paving the way for production, Minh Menh has started from the root of the society that has built morality system in the making up the personality. In brief, He imbues Confucianism through morality to people. With everyone, the fundamental of morality is thought and action in order not to abuse and sustainable of Confucianism depend on every people to complete their commission. in the new condition of the global, the significances of morality are still in conventional origin, although it is not easy to maintain in the crisis of technology revolution as the struggle of the advantage and disadvantage, health lifestyle, following the money. The morality which is contributing also suit for new conditions, auto innovation. In this process, values about ethics and people are confirmed and developed. However, values about "Three Moral Bonds", "Five Constant Virtues" of Minh Menh is still component in the development of modern society. Human morality "allegiance to the King", Today, that expresses through the patriotic spirit of the nation, set the country at the top on the first list, That is component of the value in the human morality of Vietnamese people. Love country not only Vietnam but also another country in the world. Love nations have to build a strong nation of their capacity, creation, study, and research, explore the potential in the nation, protect the national independence, avoid conflict, eradicate poverty, advantage lifestyle for people, advantage eras. In the relationship between people and society, human morality is guide people to be happy in life, through treatment, lifestyle to connect to people together. Furthermore, in the conception of human morality of Minh Menh also intended "be generous for another people...". Nowadays, that is humane, the humane is the conventional country, it has seen as the origin of morality and intense development in life. Today, issues such as bad

and good as the discipline, eradicating racism, region, do not waste resources, care for people, against wars, against social evil, eradicating poverty and disease,... the issues not only exist in Vietnam but also the world.

From that historical significance, in the circumstances to pave the way of people, need the way of the Party and Government in the building human morality - a revolutionary morality in Vietnam has a great significance to promote the new human factor in the construction of socialism. Information of morality is not only inherited discipline but also advantage to sustainable society which in the crisis, including attitude, personal responsibility in the revolution. Thus, building the Party is the component step and cadres is essential. The Party has the too strong and high scale to liberate people, liberate class. Disciplines like laborious, thrifty, honest, well, public-spirited and selfless” which considered human disciplines of every people, cadres,... Nowadays, the fourth industrial revolution has affected strongly positive and negative to the economy of all nations in the world, there is Vietnam in it. However, the negative of the economy has affected not a bit to reduce ethics of human and human morality in society. Continue to complete missions and targeting of training, construction, and development of Resolution of the fifth plenum of the central committee (eighth Congress), Eighth Party Congress pointed out construct human morality, health, abilities, levels, responsibilities with families and nation. accelerating development of human resources, especially high resources, to satisfy requests of the fourth industrial revolution and integration, there focus on ethics education, personal, capacities, core values, especially love the nation, pride of the nation, convention and history of the country, responsibility for youth, preserve and promote the culture of Vietnam; inspired the aspiration to develop the country, educating knowledge, morality, life-skill with physical training for Vietnamese people” [4,136-137]. Standards always repeat in the instrument, in the principle rules could be considered “Political morality citizen” to every people take it to advantage, training and complete themselves.

Secondly, Minh Menh’s thought on human rights has significance in paving the way of education in constructing the morality of people.

Constructing the country is difficult and long-term based on factors of humans. Minh Menh confirmed that should care for education. In the outlook on the life of Minh Menh, the role of people always associated with education, bolster up morality through “human morality”. Thus, all of the contents in Minh Menh’s thought is educated morality. The human morality teaching firstly and disappear if it on the contrary. That is the harmful of Minh Menh’s thought but also the bright people: take the education is the root in educating people. These are the lessons that have been significant and genuine in constructing people in Vietnam in particular. Ever since, to pave the way of the people, the way and politics of the Party and Government always determine the construction and bring into play the factors of people are essential in the innovation of revolution. Thus, bringing into play the factors of human is the promotion and extend to another field which is necessary for the system like material resources, financial resources, human resources which is the component. In history, do not have any systems existed without humans but exploration is difficult. The strategy is created also in the social environment (economic - social environment, political - social environment, cultural - social environment,...) to excite activity and satisfy people in the conditions.

Besides enhancing human morality, Minh Menh has left thoughts about education. In the contents of Minh Menh, the thought of loving people is remarkable. Minh Minh encourages studying and extending to an educated person and taking part in the classes “candidate”. That is confirmed through the number of candidates under the Minh Menh dynasty. Today, to complete the national industrialization and modernization process, nothing ways than education, high training, especially the leading sector. However, the spread of education, social education affects negative such as learning “sham” and learning “genuine”. Minh Menh also criticism of sham study not just determining the quality and helping people. The learning could not reach to “mind”, in “mind” include “knowledge” but it just is taken by study. In the twentieth-century of Minh Menh, the court majority numerical, open the meeting place (the place where the King and prince always come to lecture or poetry). Study without application just nothing: “the meeting-place started opening under Song-Yuan Dynasty because the King is an infant and needs to learn. Under Song Dynasty, annually once times in a year but it is such waste, by the way, they want to perform but not figure the talent. If just open meeting -place one day but it creates value for the prince, is that the hollow promises? [9,292].

Attach significance to study is essential under Minh Menh Dynasty “Talented and righteous is the core of the country”. Minh Menh appreciates candidates who care for the country and eradicate greed. Science - knowledge is the key to opening the precious chest. These are the precious lessons to applicate to the circumstances when the economy has the transition of the economy. The aspiration about knowledge in the Party and Government, especially in adolescents who need to nurture and encourage by anyways. All people learning to reach the peak of intelligence that is one way to escape from poverty, backward, undevelopemnted.

The strategy to enhance education is the premier tool of the Nation about education. Through issue and enforce, goals of developing education also realized. However, quality, education efficiency, and training are slow in this era. the education is changed very quickly. Thus, the indices of education in Vietnam in per period have to suitable, the strategy of Vietnam have approximate to global it also the strategy of developing human in the world. 04/11/2013, Resolution 29-NQ/TW about the fundamental innovation of education, satisfy modernization, industrialization in the economy forward to socialist and integrate the world has been seen by the Eighth Party Conference, identity the mission “ bring highest into play for per-pupil; develop people and society. By the way, adjust the way follows: determine education and capable of learner; combine training and human morality”. The Eighth Party Congress, Party has determined mission of education and training is “ created the transition of quality, capable, efficient,... and knowledge to comprehension for the learner”[4,232].

Thus, in the context of the country integrate into the new era, besides caution to people, citizens, the target of education to pupils; develop people and society, created the transition of quality, capable, efficient and knowledgeable to comprehension for the learner. on the practical basic, education should change comprehensive, core like opinions, thoughts, problems about target education, contents, methods. Besides, politics, conditions to converse education need to be cautious and carried out; Innovation must be

synchronized at all academic levels and disciplines. In the renovation process, it is necessary to inherit and promote the achievements, to selectively absorb the world's advanced educational experiences systematically, with a long-term vision, to be selectively suitable for each type of subject, education level and status; In the process of implementation, it is necessary to choose feasible solutions, with a roadmap and steps suitable to the circumstances and conditions of our country.

3. Some issues for Vietnam today

More 35 years implementing renovation and integration, Vietnam has achieved many successes in building and perfecting human rights institutions; forming and developing a unified and synchronous legal system on human rights with hundreds of laws; the quality of legal documents has been increasingly improved, creating a solid legal basis for the guarantee, protection, and enforcement of human rights in all fields. Especially, The 2013 Constitution based on inheriting and developing the previous Constitutions was constitutional and legislative thoughts in the direction of recognizing, respecting, protecting, and ensuring human rights and citizenship as the responsibility of the State. This contributed to ensuring, protecting human rights, citizen rights about politics, civil, economy, culture. However, it still has many challenges that are necessary to continuously study, apply related to human rights in Vietnam today to match the renovation and integration process. The related issues posed are mainly focused on:

Firstly, in the work of establishing laws, some human rights of fields enshrined in the 2013 Constitution are no law to regulate such as the right to protest and the right to form associations. The provisions on the rights of the disadvantaged, especially in the judicial field (as the rights of minors to violate the law; rights of women, children are victims of violence) are inadequate. The regulations that serve as the legal basis for restricting human rights in some emergency cases such as the recent situation of the Covid-19 epidemic are not guaranteed. The feasibility of some legal documents on human rights is not high; some violations of the law on human rights do not have strong enough sanctions to punish.

Secondly, the organization of law enforcement has not received adequate attention and investment as well as is not strong enough and synchronous to effectively enforce human rights in all fields. The sense of respect for the law in general, the awareness of the law on the protection and assurance of human rights of a part of society is still not high; the work of disseminating and educating the people the law on human rights is still limited, especially for ethnic minorities in remote and isolated areas. Acts of violating the law, in which the act of infringing on the life, health, honor, dignity, and property of others accounts for a high rate. Especially, in front of the development of science - technology, many human rights violations such as theft of information, personal identification, invasion of privacy, theft of property, sexual abuse, violation of intellectual property rights occurring in the network environment tend to increase, which makes some new challenges and requirements and requires a new approach to law formulation and implementation to ensure and protect human rights in the network environment.

Thirdly, contents related to the development of setting criteria to evaluate the effectiveness of law enforcement as a tool to serve the task of monitoring human rights law enforcement; the inspection and examination of the organization of law enforcement, strengthening the detection and handling violations strictly and timely of the law on human rights; strengthening the effectiveness and efficiency of supervision of elected bodies and socio-political organizations, social organizations, press agencies, media and the people in activities of implementing law enforcement on human rights has not yet been paid attention.

4. Conclusion

To sum up, although Minh Menh's thoughts on human rights have not yet passed the strict rites of the feudal system, it still leaves certain significance for the process of implementing human rights in Vietnam today. Building and perfecting the socialist rule of law state of the people, by the people and for the people is a condition and an environment for everyone to be equal before the law and be protected by the law without any discrimination. The 2013 Constitution is considered a charter on human rights in Vietnam because it contains a complete and comprehensive system of modern human rights, which is a significant step forward in thinking about the rule of law and institutionalizing human rights in Vietnam, in line with international standards and conventions on human rights. After a 35-year renovation, along with economic development, social justice is implemented in each step and each development policy. The 12th Party Congress affirmed: "Arousing the aspiration to develop a prosperous and happy country, the will to self-reliance and promoting the strength of the great national unity block to build and defend the Fatherland. Promoting the most of the human factor, considering people as the center, the most important subject, resource and goal of development; taking cultural values, Vietnamese people are the foundation, important endogenous strength to ensure sustainable development; having mechanisms and policies to promote the spirit of dedication to the country; All policies of the Party and State must aim at improving the material, spiritual and happy life of the people" [4,215-216]. The view on human resources, upholding the human factor, and putting people at the center of the development strategy is the consistent ideology of the Party. To implement the above policy, the XIII Congress of the Party clearly stated: "Building Vietnamese people to develop comprehensively with good health, capacity and qualifications, a high sense of responsibility for themselves, their families, society and the Fatherland" [4,213]. Implement the motto: "Training people in the direction of ethics, discipline, sense of civic and social responsibility; having life skills, work skills, foreign languages, information technology, digital technology, creative thinking and international integration (global citizens)" [4,232-233]. More emphasis on people as the driving force of development, the Party and Government of Vietnam affirmed that the Vietnamese people and culture have become the endogenous force, the driving force for national development and national defense. Building and creating the most favorable environment and social conditions to arouse patriotism, national pride, beliefs, development aspirations, talents, and qualities of the Vietnamese people are considered as the center, the goal, and the important driving development of the country.

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