

Legal Acculturation and Exchanges through Penalties in Feudalistic Legal Codes of China and Vietnam

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Confucianism-based legal codes made an important part in the history of legal development in Asia. In medieval East Asia, China and Vietnam are two representatives of Confucian legal tradition. During the feudal monarchical period, both Chinese and Vietnamese dynasties highlighted Confucianism and made it national ideology and basis for their legal and political systems. Beside Confucianism, however, the dynasties also incorporated governing elements from Legalism to form integrated systems that combined ruling with benevolence and ruling by law. Following such a way of governance, feudalistic legal systems of China and Vietnam institutionalized Confucian ideas and rituals while making use of legalistic sanctions (penalties) to maintain order and hierarchy in Confucian societies. Penalties thus became an important part of medieval laws of China and Vietnam. Studies into the penal system reveal distinctive features of Confucianism-based laws while showing acculturation and exchange results between the neighbouring China and Vietnam. This article aims at shedding light into the following issues:

- Five main forms of punishment (ngu hình) in Chinese and Vietnamese feudalistic legal systems.
- Other penalties beside the main five
- Vietnamese feudalistic legal system selectively incorporated punishment forms from China and in innovative way.
- Main features of penalties as stipulated in feudalistic Chinese and Vietnamese legal systems.

Material Responsibility for Officials of the Nguyen Dynasty in Vietnam (Period 1802-1884)

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In the feudal state of Vietnam, the role of the officials was extremely important, the pillar of the country, the right hand of the king to build and exercise the state power. Therefore, the state always finds ways in order to build a strong and clean bureaucracy. One of the measures used by the feudal dynasty to limit the bureaucracy, harassment, and powerlessness of that official was build a system of regulations on the material responsibility of officials while performing public duties.

During the feudal Vietnamese dynasties, the system of legal documents under the Nguyen dynasty stipulating material responsibilities of officials was very rich. Because the Nguyen Dynasty was established and operated in a very unfavorable background of the country. One of the most difficult in the history of Vietnamese feudalism is that the bureaucracy and corruption happen most. Therefore, the regulations of the Nguyen dynasty have adjusted most fields related to the material liability for officials such as taxation, land, military, the management of stores, public property... This regulations are highly deterrent when material responsibilities are applied at the same time, disciplinary responsibilities and criminal responsibilities to improve public responsibility. In addition, the regulations of the Nguyen dynasty on material responsibilities for officials when causing damage to the people partly reflect the sociality of the feudal state. All acts of causing damage are compensated, thereby demonstrating the human civilization, humanity, and community-oriented. This is a measure for officials to properly and fully perform their obligations to the People.

Although there are certain unavoidable limitations, these regulations have great significance and precious values that we need to inherit and promote in building a rule of law socialist republic of Vietnam of the People, by the People and for the People today as well as raising the sense of responsibility when performing public duties of officials, public servants and employees.

The Issues of Management of the Overseas Chinese by the Chinese Guilds in South Vietnam (Cochina) (Period 1862 – 1945)

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After Nguyen Dynasty signed the Nham Tuat treaty (1862), 3 provinces in the South-Eastern of Vietnam belonged to France. When Nguyen Dynasty signed the Giap Tuat treaty (1874) the whole of the South Vietnam of belonged to France.

Due to historical characteristics and many other causes, the management of the overseas Chinese was also a matter of concern at that time. Due to the terms of Tientsin Agreement, The French colonial government was had management the overseas Chinese in South Vietnam as foreigners. The management of foreigners at that time, the case of the overseas Chinese is through the Chinese guilds system.

The French colonial government at that time had a lot of publications on the issue of the Chinese association's regulations published in the gazette every year, example: the Official Bulletin of French Cochinchina 1865 – 1888; the Official Bulletin of French Indochina 1889 – 1901, the Administrative Bulletin of Cochinchina (from 1902); in which the provisions on nationality, the issue of Minh Huong.

State chiefs, and deputy state positions were also appointed by The French colonial government.

This management facilitates the administrative management process of the the French colonial government but disrupts the natural integration factor of the Chinese community in Vietnam, which was previously carried out by the Nguyen dynasty and formed a special community.

The above management issues need to be clarified through the biggest document of the French in Cochinchina which is the gazette system. Results of the study will clarify historical management in South America at period 1862 – 1945.

Policy to Resist Vietnamese Boats in the East Sea in the XIX Century

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As one of the ten enormous of the world seas routes, the East Sea in general and especially Hoang Sa, Truong Sa have become significant international sea routes connecting Southeast Asian countries with Northeast Asia, the Pacific Ocean, and the Indian Ocean.

Because of the critical geopolitical, geo-economic position of the East Sea, for a long time in history, at least since the seventeenth century, the feudal dynasties of Vietnam have paid attention to exploiting, defending, and administering their sovereignty in the East Sea and seen it as their sacred duty and responsibility to the Motherland.

These ideals and responsibilities are not only concrete attested through our actions that aimed to protect our national interest but also vividly demonstrated in the gestures of international power outside countries.

In particular, ships relief operations to countries in distress can be considered as the most typical activity for lofty international responsibility. The article used historical and interdisciplinary methods to statistic and analyze the Nguyen dynasty's relief activities, look back to the past, and draw lessons for the present (and) future in dealing with other countries in the East Sea issue.