

Han Fei and The Rule By Law of Legalism

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Abstract: One of the major philosophical schools that advocates for rule of law, is the combination of "laws", "his position of power" and "certain techniques" in Spring Autumn and Warring States period, that is the Legalism. In which "law" is the content of policies and ordinances governing; "certain techniques" is the strategic basis for carrying out the rule of law, including methods and tricks of appointment, dismissal, supervision, examination, penalty, "his position of power" is the guarantee and enhancement of the position and power of the feudal rule of law. Legalism was the voice representing the newly emerging landlord's aristocracy, fighting to eradicate the remnants of the old regime, establishing the central feudalism in China in 221 BC.

Key Words: Han Fei, rule of law, synthesizes "laws", "his position of power" and "certain techniques".

I. INTRODUCTION

Legalism is one of the major philosophical schools in in Spring Autumn and Warring States period, a Chinese social era undergoing great economic, political and social changes. is step to transfer the power and deepful from the tone mode of the house Chu has declined, to an emerging mode architecture. The legalism advocates that the use of Criminal Law is a combination of "law" 法, "posture" 勢 and "art" 術, as an effective tool to regulate human behavior, morality, and establish new auto social. On the basis of French philosophy, it is the doctrine of "religion" and "reason" 理 in the traditional Chinese philosophy. Practical premise of the legalism, that is the view of evolutionary history. The Fa-jurist's moral premise, which is the doctrine of malevolence, was initiated from Tuân Tũ, which Han Fei explained and applied practically and vividly in his rule of law. Because legalism ideology and political lines were consistent with the development requirements of contemporary history and society, it became a theoretical basis for the new aristocracy, to fight against the remnants of the old regime, unifying China, established the first centralized feudalism in China in 221 BC.

II. THE VIEW OF THE LAW IN THE HISTORY OF ANCIENT CHINESE THOUGHT

In ancient China, the idea of the form of the Criminal law appeared very early and it has undergone a process of transformation, consistent with the different stages of development of Chinese society. In the early Zhou dynasty, society had a clear class division. Two different methods of rule of the people have been applied to two different social classes: one is "ritual", that is, rituals, rituals, codes of conduct, forming an unwritten honorary dhamma that governs the way, the behavior of the aristocracy; the second is "image", only applies to the people of the population, called "small people". At that time, because they did not know the use of the widespread dissemination of the law to the people, the aristocracy thought that the more valuable the secret was kept. The legal form is only for the nobles to hold and consider it a "privilege" to protect their inheritance and dignity. So in 536 BC, Tu San from Trinh country made a letter, Thuc Huong protested. In 513 BC, the country of Tan made the top of the image, bringing the letter of Pham Tuyen Tu engraved on the top of bronze, Confucius protested, saying: Now that the rule is abolished and molded the top shape, the people are looking at the inscription Top, how do they respect precious people? How can you protect your inheritance? There is no order of precious and convenient, how to cure the country? Water of Tan must perish!

It is said that Quan Trong 管仲 (6th BC) is the first to discuss the law as a way of rule, the policy of changing from "ruling" to "rule of law" and the law needs to be widely publicized. In the Quan Tu, national management must respect law, command, figure and righteousness. The law is destined for each person without fighting. The order is to let the people know what to do. Penalties for those who violate the order are given, with five types of penalties: death, limited exile, imprisonment, unlimited exile and fine. Applicable figure must match the name. If so, the sinner will not resent, the sage will not fear. It is to fix the people on the right path, right. According to Quan Trong, the legislature must be transparent, depending on the conditions, times and wishes of the people; must teach people clearly that the new law is being enforced; When implementing the law, we must keep trust with the people.

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In the history of Chinese thought, Confucianism also discussed the issue of the criminal law. But due to the policy of "human treatment" (nhan tri), the Confucianism said that using pictures to rule the people was reluctant. Tuan Tu 荀子 is a Confucian, but from the place that human nature is evil, is "greedy, avoid harm" so he considers the criminal law the root to prevent tyranny, to hate evil, to deterring things that haven't happened yet.

The Confucian contribution to the theory of law is the "correct name". According to Confucianism, "correct name" is the basic principle to define and adjust all moral behaviors and duties of each person, as a means to stabilize the social order. However, if Confucius advocates "righteousness, destiny", Tuan Tu advocates that it is the king's right to place names and assign meaning to them. Therefore, Tuân Tử is considered to be the foundation of Han Fei's rule of law and he also paved the way for the tyrannical regime of Qin Shihuang, whose disciples contributed greatly to the establishment.

In the theory of the law there are also Thi Tử 施子 and Doãn Văn 尹文 (about 350-270 BC). The Han scriptures, the literature of literature have recorded a manuscript Doãn Văn Tử and listed him in the family names. According to the Thiên hạ sách Nam Hoa kinh, "if the Than Dan and Tran Dien sects the objects as their heads, the Tong Hinh and Doãn Văn sects continue everything to distinguish between dark and stupid places as their heads ... feel humiliated to save fighting of the people, prohibit attacks, stop using soldiers to save war work in life...". Since then, people consider Doan Van and Tong Hinh both the Taoist influence and the Macedonian influence. But Doan Van advocates the rule of law and pays attention to "examination", "righteousness", "destiny" and the relationship between "reputation", "destiny", "law", "image" there were contributions to the Criminal law s theory.

The thought of using the law in the rule of the country has been further developed by three famous philosophers in the Spring and Autumn period - the Warring States, namely Than Dao, Than Bat Hai, Thuong Uong. The leader of "that" in the rule of law is Than Dan 慎到 (395BC -153AC). He is a millionaire. The Han script, the literature on art has recorded 42 divine books of Than Tu, but has been lost, now only gathered five heavenly. Than Dan's thought partly influenced Lao Tzu's point of view on the natural, unconditional "religion". But he advocated the rule of law, treating the law as objectively inanimate, and inadvertently removing the mind, would benefit more than a hundred talented people. In particular, Than Dan emphasizes the king's "position" in the Criminal law, like "a dragon flying on clouds, a snake leaping through the fog." The clouds stopped, the fog cleared, so dragons were like insects and ants, unable to fly. A gentle man must submit to a pervert, it is because of his light power, his status is low. A spoiled person can subdue a sage, it is because of his high power and high status. If Nghiêu is a loser, he cannot rule over three houses, and Kiệt being an angel can cause chaos to the whole world. Accordingly, considering that only the sage, the position is not enough to overcome the world, but the position is enough to play the role of a sage " (Han Fei).

The leader of " certain techniques " in the rule of law is the Immortal Body 申不害 (385tr.CN-337 BC). He is from Kinh land, used to work as a minor in the Trinh country. Han Chieu Hau found that he had a talent that used him to be a general. The Immortal Body studied Lao Tzu, but paid great attention to image, especially " certain techniques " as a way and tricks to cure the country.

Thuong Uong 商鞅 is the representative of the group that advocates for "law" 法, "change method" 變法 and strictly rewards and punishes in the rule of law. Han Fei, in the Thien Dinh Criminal law, said: "The Immortal Body is the theory of the rule of the people, and Cong Ton Uong talks about the Criminal law". Thuong Uong (? - 338 BC), citizen from Ve country. At first he helped Wei country. After helping Tan Hieu Cong, he was used by Tan Hieu Cong to be the prime minister. From 359 to 349 BC, he helped Tan conduct two rebellions that made the Qin nation quickly powerful, annexing six states of Qi, So, Han, Yen, Trieu, and Wei in turn "Seven heroes "in the Warring States period, unifying China. After Tan Hieu Cong's death, Hue Van Vuong ascended the throne, Thuong Uông was killed for suspicion of treason, and because in the past, when the law was carried out, it touched the interests of the aristocracy by implementing the "military public".

The idea of the rule of law was developed to the height of the eminent Han Fei. He has synthesized the three views of "law", "his position of power", "certain technique" of the above three groups into a systematic doctrine, on the basis of the Taoist doctrine of "religion", the thought of reputation "of the Confucianism. "Han Fei has done a synthesis of three theories of Confucianism, Taoism, and France. There, Grapes are the building materials, France is the blueprint, but Lao is the construction technique of a unique house" (Han Fei, 2005: 17). Han Fei is considered to be the great idea of law in the Spring and Autumn - Warring States period. Han Fei 韓非 (280 BC - 233 AC) is a prince, royal family in the western part of Henan province now. "Han Fei with Ly Tu studied in Tuan Khanh, Tu considered himself not equal to Phi" (History, Immortal Body, Han Fei listed stories). Like Tuân Tử, he thinks that human nature is evil, but different from teachers, does not advocate using courtesy to convert people, but using the legal form to rule the country and peaceful people. He offered a letter expressing the way to rule the country for the King Qin, but the Korean king did not listen. When reading Han Fei's book, King Qin expressed his admiration for him, saying: "If I can be friends with this man, it is not worthwhile to die" (Han Fei, 2005). Ly Tu is the prime minister of the Qin country, knowing that Han Fei is more talented than himself, and accompanying King Qin to arrest Han Fei and force the poison to die in 233 BC.

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According to Han Letters, Literature and Literature, Han Fei has written a book of 55 celestial objects, more than 10 thousand words, named Han Fei, which shows the peak of the theory of the law of the Criminal law.

The Spring - Fall - Warring States period was the period when Chinese society experienced great historical upheavals. In essence, it is the transition from the declining slave society to the central feudal society in China, reversing the order and the society, and the degrading morality. The philosophical schools cannot help but seek to explain and propose different ways to transform that society. If the Confucianism advocates "human rule", the Mac family upholds "concubine", the Taoist advocates "uninhibited rule", then the legalism with his historical and theoretical bases has advocated using the law. The state is an important tool for the development of social life and for the consolidation of feudal authoritarianism in China.

III. SOCIAL BASIS AND THEORETICAL PREMISE OF THE LEGALISM JURISHT'S IDEOLOGY

Inheriting and promoting the original materialistic point of view of Lao Tzu and Tuan Tu, Han Fei explained the transformation of things according to the objective law. He considered "religion" as the original, the law of the formation of all things, "reason" is a different expression of "religion" in each thing. In which "religion" is a common law of the natural world, it always exists and does not change, but "reason" a separate law, which is the expression of "religion" in all things, is "abnormal", always variation in different specific conditions. "Tao is what makes all things as it exists today, is the support of all truths. Ly is the seemingly made into all things; religion is what makes things like that" (Han Phi Tu, Lao Tao). He also said: "In general, the essence of religion is not restricted by form, soft in the same period corresponding to reason. Everything that gets it dies, gets it alive. All things gain but fail, they become " (Han Fei, Lao Tao). In that view, he not only requires people to follow the laws of objectivity to act, but also thinks that human actions must change according to the evolution of "reason", against conservatism, stubborn.

Based on the doctrine of "ethics" and "logic", Han Fei said that the rule of the country could not be governed by ancient morality and rule like Confucianism, Macedonian, and Taoist, when "rational" was changed, ie when When society has changed, the most suitable and effective rule of water must be the rule of law. Not only that, from the point of view of natural materialism and the dialectic of "religion" and "reason", Han Fei also criticizes mystical ideas, upholds the role of human activity in its own life. He admitted that nature without will, subjective human will cannot modify the law of nature; man's destiny is man himself decides to take. Han Fei for the operation of celestial bodies cannot determine human well-being. There is nothing that attests to a demon god. The superstitious ruler of demons will of course lose their country; Fighting the enemy, enforcing the law and invoking the devil god will all fail. The cult of demons and law enforcement are against each other. Han Fei also believes that in human life, people encounter uncertainties, risks, and cannot be solved, so they believe in demons. If people are not sick, are not affected by disasters, work hard and save money and energy, the devil will not be able to disturb the human spirit.

In terms of history, Han Fei believes that the history of human society is always changing. Until now, no social regime has ever existed forever. Han Fei has divided the evolutionary process of history - society into three phases. In each historical period, the society had its own characteristics and customs: "In the ancient times of the ancient times, people were few but had many animals. People cannot win against animals and serpents. There are saints who appear to take the tree as a nest to avoid animals from harm and the people like it, to be the king of the world, calling him the surname Huo Sao. People eat fruits, vegetables, shellfish, fishy, smelly stomach damage, many people get sick and die. Some saints appeared, took out the fire to cook food. People liked it, let him become king of the world, calling him Tai Nhan. In the Middle Ages, people suffered from great water problems, Con and Vu dug rivers and streams for water to flow. In the period of the Near Ancient, Kiet, and Pillar were violent and lustful, so Thang and Vu Vuong conquered" (Han Fei, Five Quiz).

The basic driving force that determines the transformation of history, according to Han Fei, is due to the different correlation between population change and social wealth: "In ancient times, men did not need to plow, to maintain sustaining life has enough wild fruit to eat; women do not need to weave fabrics because they have feathers and animal skins to wear. At that time, the number of people was very small, but the assets were redundant. Therefore, the people do not have to fight, so there is no need to reward, not use heavy punishment, but the people naturally rule. Today, many people are crowded with little wealth, everyone has to work hard and still cannot eat enough; so the people have to scramble" (Han Fei, Five Quiz). At that time, when they were born, they fought for each other. It was necessary to have a penalty regime to prevent and reward the kind and punish the wicked.

Therefore, the ruler must base on the objective needs of historical and social trends, depending on the characteristics of the time and circumstances, to set up a new regime and set out a new appropriate method of water rule. "There is not a law that is always true" for all time (Han Fei, Five Quiz). "So a saint does not cultivate old stories, does not follow the unchanging principles. When working in life, based on the situation of his life that set out measures" (Han Fei, Five Quiz). The basic view in the rule of country of Han Fei and legalism is "history changes, laws change". During the Spring-Autumn - Warring States period, the Confucian Confucianism used ancient morality and laws as a measure, invoking the authority of the ancient king to justify the method of "human rule", "concubine" of itself, is inconsistent with the objective requirements of the history and the characteristics of the era. The most effective method of water treatment at that time, according to Han Fei, was the method of treatment: "... The rule of the people is not fixed, only the law is used to rule. But the law can be changed with the times, the world will rule. The rule of the

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people is adapted to the circumstances, it will be effective ... the times of change and the rule of the people are not changed (Han Fei, Mindfulness).

This is the thought that clearly shows the materialistic materialism and spontaneous dialectical thought of Han Fei about history. Han Fei viewed material interest relations as the basis of all social relations and human behavior. Although Han Fei has not seen the true dynamic of history, but trying to find the cause of change in the history of human society in the physical conditions of society, it is a valuable contribution, and he has come a long way from the idealistic, religious views of the time.

Against the stubborn, conservative attitude in the water treatment method, Han Fei also offers the theory of "contemplation", that any point of view must be experienced through experimental and objective real activities to be able to fight exact price. Since then, he criticized the ancientism in the rule of Confucianism, Macjia, Taoism, that: The religion of King Nghieu, King Thuan ruled over the people that the above sects invoked, was three thousand years ago, nothing attests; There was nothing to testify but to attempt to use it as the benchmark for the current politics, and everyone who considers themselves "righteous" is an illusion, is foolish, "if not foolish then is false" (Han Fei, Five Quiz). So according to Han Fei, the most correct water treatment method, in accordance with the historical conditions of the Spring and Autumn period - Warring States is only the method of treatment.

Han Fei also promoted the "malevolence" theory of Tuan Tu, offering self-interest personal morality to confirm the correctness of the rule of the country by his law. Thereby, he also contributed to the research theory of human nature and psychology in Chinese philosophy. Han Fei believes that people are born to be selfish, self-interested, to like "good and find it, hate harm and avoid it, that is human". Because people "always just take care of their own benefits" (Han Fei, 2005: 45). However, one's selfish, selfish nature is only shown as good or evil through actions to satisfy one's desires and interests; And this, according to Han Fei, depends on people's lives. He wrote: "The mutual help of primitive people was not due to their innate qualities of compassion for people, but because at that time there were many possessions; Nowadays, the reason why this person robs the other is not because they are born hate for others, but because of little wealth " (Han Fei, Five Quiz).

Relations such as my king, father, son, brother, friend, and affection among them are all based on personal gain calculations. The old farmer plows his master's field well, the owner gives the old farmer adequate food and pays the fine, not that they come out of mutual love, but because each is interested in benefits own benefits. In general, the essence of the relationship between people, according to Han Fei, is based on benefit calculation, "my servants give all their strength to sell to the king, the king gives the fortune to give to my flock" (Han Fei, accident). Therefore, the people in power must base themselves on the mentality of "avoid harm and benefit" of people to set the right law to maintain social order. Han Fei wrote: "Showing something worthless in a lonely, dark place, Tang and Su are not sure not to steal (because of interest). Hanging five taels of gold in the middle of the market, even a thief would not dare take it. Because they are afraid of the law of punishment " (Han Fei, accident). Therefore, according to Han Fei: "The person above, according to the human righteous rule, is a Confucian illusion; harming the country, because human nature is inherently evil" (Han Fei, 2005).

Moreover, if we use human and cause to rule over the country, then the kind of gentle people in the world, if any, are also very few. And unwholesome people are many. To rule the country is to rule the people throughout the country, not just the few gentle people. Therefore, the rule of the country, according to Han Fei, does not need to focus on virtuous things, but must consider the law and reward and punishment as the most important tool, no matter how many people can rule. Han Fei wrote: "A saint who rules over the country does not trust people to do good by themselves, but prevents others from doing anything. If people do good by themselves, there are not ten people in the country, so those who cannot do right, one country can make peace. The people who rule the country use the majority and give up a few, so it is not the case of virtue but of the law. Oh! If we have to wait for a straight wood to make an arrow, a hundred generations will not have a name, if we have to wait for a log to be a wheel, a hundred generations have not had a wheel" (Han Fei, 2005).

Han Fei said, Confucius is a master of humanity, advocating using the cause to educate the people, in the Lu country there are several fifty million people, all of which only seventy-two people are virtuous and of which there are only twelve people called sages. Therefore, just to cause cause and cause to rule over the people, ten out of hundreds of officials are fortunate to have ten conscience, and the remaining ninety are wicked. Therefore, to treat water with human means means illusion. On the contrary, if they know how to use the form of law to rule the people, only ten of them dare to do evil, while the other ninety people, even if they are not virtuous people, do not dare to commit wrongdoing, and at the same time avoid using their mind and intentionally heavy, lack of justice, for which king does not have lust, resentment? That injustice will be the focal point of turmoil in the world.

IV.CONTENT THE LEGALISM IDEOLOGY

The idea of the rule of law in the rule of the country to Han Fei has become a complete doctrine, which is a combination of "Criminal law", "his position of power" and "art", which have a close relationship with each other. In which "Criminal law" is the content of the policy of governance, "'his position of power'" and "certain techniques" as tools or means to implement that policy. All three "Criminal law", "his position of power" and "certain techniques" are "tools of the emperor" (Han Fei, Yang body). So, The gods use the law like heaven, use the user as a demon. As heaven is not fruit, like demons are not bastard (Han Fei, 2005).

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"Criminal law" 法 is a category of ancient Chinese philosophy, which can be understood in the narrow sense that rules, regulations, laws, and ordinances are stereotypical that everyone must obey; in a broad sense, France can be understood as an institution or a social regime. Legal word, according to Theory of Literature is punishment 刑. In the analyzed word "Criminal law": The law is fair, flat, the same level as the water surface, so there is a set of water dots 冫; Spread is something to bump into someone who does not work upright, so the word solution 獬 and the word 去 go together. And the word "France" 法 written today has been awakened. Thus the word "Criminal law" has two meanings: the first meaning is the model, the pedagogical meaning and the second meaning is the punishment.

In the book Han Fei, Thien Dinh Criminal law wrote: "Laws are ordinances written exclusively in the government; the punishment must be up to the heart. Bonuses are reserved for those who respect the law and penalties apply to those who disobey the order". In Thien Tam Tam, he said more clearly about the Criminal law that: "The master's important tools, apart from magic with magic, are nothing else". Law is the content of policies and ordinances governing; is the content of the law specified in the law of the state; is a standard, an objective basis to define identity, clear sight, good or bad, so that everyone knows their duties, knows what to do and what not to do. The law has been promulgated, it must be strictly enforced, the most specialized, loyal and serious rewarding, strictly punished. "So the intelligent master sends me, not outside of the law; do not bless in France; do not act against the law" (Han Fei, Huu Do). "The law does not follow the luxury. The plumed rope does not curl along with a curved tree. When the law has been enforced, those who cannot, cannot fight, even brave people cannot fight. Punishing the wrong does not avoid the great, rewarding the right does not leave out the loser. So what fixes the mistake of the above, can cure the inferiority, except for chaos, correct the wrong, unify the way of the people with nothing like the law" (Han Fei, Huu Do). The mandarins are considered to be the masters of law in the world. Anyone who wants to ask anything about the law is obliged to teach clearly (of course). If you ask, but the official does not answer, or if you explain it wrongly, you will be punished. When teaching, must write down the lecture, date, month, year and name of the instructor on a contract. The instructor keeps the right half and the instructor keeps the left half of the contract, no one can cheat before the ordinance.

In the rule of law, along with "law" is "his position of power", "his position of power" 勢 is the position, power and authority of the king. That is the guarantee and enhancement of the status and power of the feudal rule of law. That position of the monarch, everyone must obey, is called "military power". Han Fei writes: "The law is what is meant to prevent false privacy from going beyond the law. The severe punishment is for the order to be enforced and to punish the underlings. The prestige cannot be lent. The right cannot be shared with others. If the authority is in common with others, then the wicked are humane. The law is not sure, the king will be in danger, the punishment is not assertive, he cannot win against the crook" (Han Fei, Huu Do).

According to Han Fei so important that it can replace the role of sage. "Only a wise person is not enough to rule the people, but a position of authority is enough to play a role of a sage" (Han Fei, 2005). That was Han Fei compared to a weak crossbow thanks to the wind and the arrow flew away; like a dragon can fly thanks to the clouds... "Oh! The bow is weak, but the arrow flies high thanks to the wind pushing it" (Han Fei, 2005). Therefore, the position and the Criminal law in the rule of law are not separate. In the rule of the people, the position and authority of the king are crucial, and virtue is not. Han Fei wrote: "If talented but not like that, then the sage cannot overpower the spoiled. So a one-meter piece of tree was built on a high mountain, from there looking down to see the deep valley (about eight thousand feet), not because the tree was long, but because it was high. Kiêt is a heavenly angel, not only being able to tame the world is gentle, but because he is so powerful. "Horses can carry heavy loads, pull wagons, and travel long distances, because of their tendons. The angelic level has thousands of chariots and the king has thousands of chariots, the reason for controlling the people, conquering the vassals is due to his prestige; supremacy is the tendon of the master" (Han Fei, 2005).

Along with the Criminal law and "his position of power" in the Criminal law rule of law, there is also "art". "Arts" 術 is a method, trick, method, strategy to control work and use people, making people thoroughly and conscientiously complying with the king's ordinance without understanding how the king uses them. Arts is a strategic basis for implementing the rule of law, including methods and tricks of recruiting, appointing, dismissing, monitoring, examining, and rewarding officials at all levels. That is also the use of art. Therefore, Han Fei said: "That's why the king who wisely executes the law is as talented as heaven and using people is as good as a devil. Heaven is not fruitful, demons must not be miserable. Prestige is exercised and seriously taught, even if anyone thinks otherwise, it will not violate" (Han Fei, 2005). According to the state rule, the king must have a bureaucracy to help, and the king must have a way and tricks to use and control that apparatus, directly perform the task of rule over the people according to the decree and the will of the king. Therefore, the king did not directly rule the people but through rulership to rule the people. If the "Criminal law" is widely publicized among the people, the "technique" is the underground mind, the king's trick. "If a king does not have a technique, he will be spoiled above, if the one who does not have the Criminal law, then he will be disturbed below. Those two are indispensable and both are tools of the emperor" (Han Fei, 2002). Content "arts" in the rule of law

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of the legalism, includes: art selection, appointment, use, dismissal; monitoring techniques, testing, reward and punishment. The important thing in water treatment is: "The elves embrace the essence so the law is simple without being violated. Alone, controlling all four seas, the wise cannot show their deceit. The malicious people cannot give the flattery. The crooks have no support. Those who are thousands of miles away do not dare to change their words. Someone who has such a nearby position makes the langur dared not cover the good, paint the wrong. The officials below in the court did not dare to surpass each other" (Han Fei, Huu Do).

In the juridicalist ideology, the theory of "righteousness", "according to real responsibility" is the most important content of "arts". This is also the view that Confucius particularly emphasizes in his philosophy of politics. But if in Confucius, "righteousness" is to ask everyone in society to fulfill their duties, in the "righteous" Criminal law house is the king's rule of leadership, that everyone must act for the king (Han Fei, 2005). "Real" 實 according to the legalism is the responsibility of the person in the government or the duty of all people in society. And "name" 名 is their positions corresponding to that responsibility and duty.

King just follow the name that real blame. Just looking at whether name and reality are compatible or not is able to distinguish between right and left, good and bad, merit, and sin. Name and reality are right together, is righteousness. Name and truth do not match is left, is not righteous. When the right, right and wrong has been distinguished, then there will be serious reward and fair punishment. Thus, according to the term "taking real responsibility - 以名舉實", from people to mandarin, in society, everyone is self-aware of their duties and responsibilities to perform, no one dares to act against it. Who dares to do too much, no one dares not to fulfill their reputation. At that time, the king does not need to do nothing but does nothing. It is "unmatched childlessness".

Therefore, in selecting the suitable talented people to give the appointment, as well as in monitoring, examining and strictly rewarding and punishing, Han Fei advocates to make use of the "correct name", "for the sake of but away from the practice", "if the king wants to prohibit fraud, he must consider the reality and the appellation if they are real or not, if words and deeds are suitable. When servants said, the king based on their words to assign the job, but forced them to take responsibility for the results corresponding to the words, then rewarded. Whenever the credit was not worth the job and the job was not worthy of the word, then punished. So whenever servants is boastful and with little credit, they will be punished. Not punishing for small merits but punishing for unworthy merits of the appellation. Whenever servants say little but with great merit, they will be punished. Not because the king was unhappy with his great merit, but punished for the merits that were not in accordance with the appellation. The harm is more than having great merit; hence servants must be fined" (Han Fei, 2005). Therefore, a person without merit, no matter how ambitious it is, would not dare accept the position. Then, the king will eliminate the incompetent, choose the right ones to give the position, and they will be able to fulfill their duties. In order to know whether name and real talent are compatible or not, thereby choosing the right kind of talented person and rewarding the righteousness, punishment for the right sin, the king has two ways: Firstly, the king directly checks the results of what servants do. Secondly, the king uses someone who has enough talent, on behalf of the king to monitor and check the work results. The person acting on behalf of the king to check, must also obey the technique of "taking real responsibility" (that the king used with everyone else)

Along with the technique of "for the sake of but away from the practice", strict and clear rewarding and punishing is also an important tool of the king in country management. Rewarding and punishing are considered by Han Fei as the two handles of the ruling technique: it manifests the status and is an effective method in the king's technique, because it hits the human mentality "for good, avoid harm": "The intelligent master can control this one, thanks to only two handles. The two handles are image and virtue; What is picture and virtue? Killing is a picture, reward is virtuous. My boss is afraid of punishment, likes to reward. Therefore, if the owner uses pictures, this one is afraid that he will follow his benefits" (Han Fei, 2005). Especially in the rule of law, Han Fei loại bỏ thi hành nhân nghĩa, bởi thi hành nhân nghĩa thì pháp luật sẽ không nghiêm: "Bless the poor, so those who do not have merit but are rewarded, If there are no kill and punishment, the violence will not end ... Therefore, if people have a good heart but stay in the high throne, the ordinance is misleading, and the people are resentful and rebellious. That's why the people and the brutal are both dehydrated people" (Han Fei, 2005).

In the art of governing the country the art of governing the country, in addition to performing "recifying the name" in selection, supervision, examination, rewarding and punishing strictly and clearly, Han Fei also always upholds an important principle, that is "mindfulness", that is, the king must keep his mind, his preferences, does not trust anyone and let somebody know what he thinks, what he wants, what he loves and what he hates; does not let his superiors take advantage of, disgrace, flatter, "manifest something different from his own nature" to the king, look, does not cover up to find ways to harm the king and take the throne. "If the superior uses his eyes, the bottom line will paint the figure. The superior uses the ears, and the bottom draws the sound. The superior used his thought, and the one below spoke in a cumbersome voice. The elves for all three are not enough, so give up their talents and rely on the law, carefully consider the reward and punishment" (Han Fei, 2005). Therefore, the king must: "Leave what he wants, leave what he hates to see clearly his servants' mind. Leaving experience, leaving wisdom, servants will be careful" (Han Fei, 2005). That is the way of taking the "no" to the "being", using the emptiness to make its honor established, the matter is determined by itself. So to give up experience, to give up understanding, to give up wisdom is to transcend understanding, to be

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wise. At that time, the king did not need to do anything, but servants dedicated themselves to do everything according to the king's will. That is "non-pediatric treatment".

V.CONCLUSION

An overview of the Pháp gia, Sima Qian wrote: "Pháp gia is strict, so there is little grace, keeping the division of king and mandarins above and below, cannot be changed... The Pháp gia does not discriminate the relatives and strangers, does not discriminate the wealthy and poverty, certain in law, then cuts off grace and virtue in loving relatives, respecting the superiors, which can help the temporary thinking, which cannot be used for long. There is a saying: strict but little grace. If you respect those above, lower the lower, the responsibility of division clearly cannot be exceeded, even if there are hundreds of houses, it cannot be changed

REFERENCES

- 1) Han Fei: Han Fei Zi .Literature Publishing House, Hanoi, 1990 (Phan Ngoc's translation).
- 2) Sima Qian: History, Literature Publishing House, Hanoi, 2005 (Phan Ngoc's translation).
- 3) Doãn Chính-Trương Giới-Trương Văn Chung: Explains the philosophical terms of Chinese history, Education Publishing House, Hanoi, 1994.)
- 4) 韓非子,上海古籍出版社, 2009.
- 5) 元忠: 韓非 - 權述人生, 文藝長江出版社, 1993.