THE LEGAL THOUGHT OF LÊ THÁNH TÔNG – LESSONS FOR BUILDING THE SOCIALIST RULE-OF-LAW STATE IN VIETNAM TODAY

O PENSAMENTO JURÍDICO DE LÊ THÁNH TÔNG – LIÇÕES PARA A CONSTRUÇÃO DO ESTADO DE DIREITO SOCIALISTA NO VIETNÃ HOJE

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ABSTRACT

In today's era, the global and regional situation is changing rapidly and unpredictably. While peace, national independence, cooperation, and development remain major trends, ethnic and religious conflicts, territorial disputes over seas and islands, localized wars, interventions, subversions, terrorism, and fierce economic competition continue to escalate. Non-traditional security threats are increasing, enhancing political stability, sovereignty protection, and national security crucial for economic and cultural development. To fulfill these tasks, on the one hand, we must inherit the values of human legal thought and historical social practices; on the other hand, we must absorb and refine the values of Vietnam's legal traditions as an endogenous resource that shapes the Vietnamese spirit, resilience, and identity. This article analyzes the legal thought of Lê Thánh Tông and draws historical lessons for the construction of a socialist rule-of-law state in Vietnam today.

Keywords: Law; Lê Thánh Tông's thought; Rule-of-law state; Vietnam

RESUMO

Na era atual, a situação global e regional está mudando de forma rápida e imprevisível. Enquanto a paz, a independência nacional, a cooperação e o desenvolvimento continuam sendo tendências importantes, conflitos étnicos e religiosos, disputas territoriais sobre mares e ilhas, guerras localizadas, intervenções, subversões, terrorismo e competição econômica feroz continuam a aumentar. Ameaças de segurança não tradicionais estão aumentando, aumentando a estabilidade política, a proteção da soberania e a segurança nacional, cruciais para o desenvolvimento econômico e cultural. Para cumprir essas tarefas, por um lado, devemos herdar os valores do pensamento jurídico humano e das práticas sociais históricas; por outro lado, devemos absorver e refinar os valores das tradições jurídicas do Vietnã como um recurso endógeno que molda o espírito, a resiliência e a identidade vietnamita. Este artigo analisa o pensamento jurídico de Lê Thánh Tông e extrai lições históricas para a construção de um estado socialista de direito no Vietnã hoje.

Palavras-chave: Direito, pensamento de Lê Thánh Tông, estado de direito, Vietnã



1. INTRODUCTION

This period marked a critical transition from the Trần dynasty to the Hồ dynasty, followed by the arduous Lam Son uprising against the Ming invaders, culminating in a resounding victory. It was also the era of the establishment of the Lê Sơ dynasty, tasked with consolidating, building, and strengthening a centralized feudal monarchy. This strong and unified state aimed to develop all aspects of the economy, politics, and society while fostering national solidarity to resist foreign invasions and safeguard Vietnam's independence. Amidst this historical context, several great thinkers emerged, among whom Lê Thánh Tông stood out prominently.

Lê Thánh Tông (1442–1497) is regarded as one of the most enlightened monarchs in Vietnam's feudal history. He was highly successful in governing Đại Việt in the 15th century, employing a strategy that blended "rule by virtue" (*đức tr*]) and "rule by law" (*pháp tr*]). Under his leadership, the centralized monarchy of the Lê Sơ dynasty reached a high level of unity and efficiency. His governance was based on a progressive and humane legal system, rigorously enforced while upholding traditional moral values of benevolence and righteousness, with the principle of "the people as the foundation" (*dân làm gốc*). As a result, Đại Việt under Lê Thánh Tông flourished as a unified and prosperous state, considered one of the most thriving periods in Vietnam's feudal history. However, given the historical conditions of his time, some limitations in his ideology inevitably existed. Yet, despite these historical constraints, the legal thought of Lê Thánh Tông still holds significant value for the ongoing development and perfection of Vietnam's socialist rule-of-law state today.

2. LITERATURE REVIEW

Lê Thánh Tông's legal thought, with its rich content, distinctive characteristics, and remarkable value, has garnered widespread interest from scholars across various disciplines. Numerous research works have explored different aspects of his ideas, highlighting their depth and relevance.

Notable among these studies is *The History of Vietnamese Thought* (7 volumes, 1991) by Nguyễn Đăng Thục. Volume IV focuses on Vietnamese thought during the Trần dynasty (1225–1400), examining its social context, the Trúc Lâm Yên Tử philosophy, and political-military ideologies. Volume V delves into Hồ dynasty thought

(1380–1407), particularly the transition from the Trần to the Hồ dynasty, the conflict between Confucianism and Buddhism, and Hồ Quý Ly's legalist philosophy. Volume VI continues with an analysis of the ideological crisis from the Lê to Nguyễn dynasties (1380–1442), emphasizing Nguyễn Trãi's *nhân nghĩa* ("benevolence and righteousness") philosophy and its influence on Lê Thánh Tông's legal and state governance concepts.

Similarly, *An Outline of the History of Vietnamese Philosophical Thought* (2002) by Nguyễn Hùng Hậu identifies six characteristics of Vietnamese philosophical thought, notably its transition from humanism to worldview, its introspective nature, and its cyclical development pattern. This work also explores Confucian philosophy and nationalist spirit during the Lý-Trần period, continuing into Lê Thánh Tông's centralized state-building and legal advancements.

Another key work, *The History of Ancient and Medieval Vietnamese Thought* (2011), edited by Huỳnh Công Bá, provides an in-depth analysis of Lê Thánh Tông's state and legal philosophy. It highlights his role in consolidating the administrative system, military organization, and legislative activities. The study asserts that the Lê Sơ dynasty marked the first instance of a well-structured and large-scale centralized monarchy in Vietnamese history.

Additional research includes *Ten Major Reforms in Vietnamese History* (2012) by Văn Tạo, *The History of Vietnamese Philosophical Thought from the Nation's Formation to the Early 20th Century* (2013) by Doãn Chính, and *The History of Political Institutions and Legal Systems in Vietnam* (1993) by Phan Đăng Thanh and Trương Thị Hòa. These works provide further insights into the evolution of state and legal thought throughout Vietnamese history.

Literary studies such as *Poetry and Literature of Lê Thánh Tông* (1986) by Mai Xuân Hải and *Lê Thánh Tông* (1998) by Nguyễn Tà Nhi offer perspectives on his political thought through poetry. However, these studies primarily focus on translations and content summaries rather than in-depth legal and political analysis.

Furthermore, *Vietnamese Institutions and Laws in the Medieval Period, Volume 1* by Nguyễn Ngọc Nhuận (2011) examines legal documents from the 15th to 18th centuries. While the author provides a broad political analysis, the study facilitates comparisons of legal texts over time, shedding light on the characteristics, values, and limitations of Lê Thánh Tông's legal thought within Vietnam's historical trajectory.

In summary, these studies have contributed to systematizing Lê Thánh Tông's



legal and state governance philosophy, covering aspects such as law, education, military, diplomacy, and his people-centered approach that valued talented individuals. However, there is still a lack of comprehensive, in-depth research exclusively dedicated to his legal and political thought. This gap presents opportunities for further scholarly exploration to better understand Lê Thánh Tông's role in Vietnam's intellectual history.

3. RESEARCH METHODOLOGY

This study is conducted based on the philosophical foundation and methodological approach of dialectical materialism and historical materialism. These two scientific methods enable an objective, comprehensive, and systematic examination of issues in the history of thought while considering their movement and development within the broader context of societal progress. Dialectical materialism provides analytical tools to understand the laws governing the movement and evolution of thought, whereas historical materialism clarifies the relationship between political thought, state governance, and law within specific socio-economic conditions of each historical period.

Additionally, the study integrates various research methodologies to ensure logical coherence, rigor, and practical applicability. The unity of logic and history method allows the discussion to not only present ideological developments in chronological order but also reveal internal relationships, movements, and transformations of thought over different periods. The analysis and synthesis method is employed to deconstruct the constituent elements of ideas, thereby systematizing and highlighting their most distinctive aspects. The deductive and inductive approach aids in deriving general conclusions from specific arguments and, conversely, applying general principles to formulate applicable insights.

Furthermore, the comparative method plays a crucial role in distinguishing ideological differences and identifying inheritances across historical periods, helping to determine the unique characteristics of state and legal thought in each era. Notably, this study examines Lê Thánh Tông's legal thought through the lens of political science, ensuring that the discussion extends beyond the mere presentation of ideas to analyzing their theoretical foundations, developmental dynamics, and operational influences on state governance. By employing this multidisciplinary approach, the



research provides a comprehensive analysis of legal thought its essence, function, and role while assessing its impact on political and social systems.

4. **RESULTS AND DISCUSSION**

4.1. Lê Thánh Tông's Perspective on Law

The perspective on law in state governance is one of the key aspects of Lê Thánh Tông's ideology. His legal philosophy comprehensively and profoundly reflects his political thought. With this perspective, Lê Thánh Tông not only determined the purpose, content, form, and method of implementing legal policies to build and consolidate the royal power of the centralized feudal state but also contributed to ensuring the nation's political security, strengthening its power to safeguard national independence and sovereignty against constant external threats. Lê Thánh Tông's legal perspective was formed and developed not only by studying, adopting, and inheriting the governing methods of previous Vietnamese dynasties and other Eastern traditions but also based on the characteristics and practical demands of Đại Việt's society in the latter half of the 15th century. Therefore, it can be affirmed that Lê Thánh Tông's legal perspective represents a unification between theoretical foundations and the practical needs of Đại Việt during the Early Lê Dynasty. Lê Thánh Tông wrote: "To gain new knowledge, one must diligently collect, exchange, and contemplate ancient wisdom—Tri tân bồi dưỡng cần thu thập, ôn cố thương lường trong trác ma" (Mai Xuân Hải, 2003, p. 217). His perspective on law can be summarized in the following key points:

Lê Thánh Tông's Perspective on the Role of Law

Law is an integral part of a society's superstructure. The legal codes of the feudal state were established based on the economic foundation and social stratification of that society. Lê Thánh Tông advocated for governance through a combination of moral governance (đức trị) and legal governance (pháp trị), with an emphasis on law for several reasons: First, to centralize state power in the hands of the monarch, simplify administrative agencies, and ensure the efficiency of governance, the law had to serve as a tool for regulating social relations, swiftly and



extensively implemented throughout society. This approach aimed to reinforce state discipline and create favorable conditions for the nation's comprehensive development. Second, the state, as a special organization of the feudal ruling class's political power, could only exercise and enforce its authority effectively through strict legal implementation. The law served as the medium through which state power, including that of the monarch, was executed. Third, in the early years of the Lê Dynasty, the legal system was not rigorously enforced, leading to widespread injustice: "Judicial officials disregarded fairness, focusing only on imposing severe penalties, while those who offered bribes were pardoned" (Hoàng Văn, 1998, p. 370). For these reasons, Lê Thánh Tông placed great emphasis on law as the foundation for organizing and managing society. His legal perspective was not only an expression of the feudal state's will, mandatorily applied to all citizens, but also a tool for regulating social relations, maintaining order, and securing the ruling class's interests. It was a means of integrating his political thought into the social fabric. Lê Thánh Tông wrote: "A country without rewards and punishments cannot be governed, even by the wise rulers of the Tang and Yu dynasties" (Hoàng Văn Lâu, 1998, p. 430).

Therefore, Lê Thánh Tông advocated for the comprehensive education of the people based on Confucian principles, using rituals and etiquette to instill moral standards. For instance, he had 24 moral teachings compiled to educate the people, aiming to build a society rooted in Confucian ethical and cultural values.

At the same time, he highly valued the role of law, issuing legal codes to bind individuals and society to order, discipline, and regulation. This approach emphasized the promotion of moral values and social ethics. His ideology harmoniously combined moral governance (đức trị) and legal governance (pháp trị). In Lê Thánh Tông's legal philosophy, moral education and the cultivation of a virtuous society were fundamental objectives, serving as the foundation for legal governance. Conversely, pháp trị social organization and management through strict legal codes functioned as a tool to uphold and support moral governance.

Lê Thánh Tông's Perspective on the Content of Law. Driven by the need to establish a comprehensive legal code to maintain social order in favor of the ruling class and to protect the feudal dictatorship of Đại Việt in the 14th–15th centuries, Lê Thánh Tông revised and compiled a complete legal system known as the Hồng Đức Code. The most distinctive feature of the *Quốc triều hình luật* (The Penal Code of the Royal Court) was its combination of moral governance (nhân trị) and legal governance

(pháp trị), making the legal code a harmonious blend of Confucian ideology with Vietnamese customs and ethical traditions. He used the law as a tool to strengthen the feudal state. From the perspective of modern legal science, this code encompassed various branches of law, including civil law, family law, criminal law, procedural law, and administrative law.

A closer examination of the *Quốc triều hình luật* reveals its extensive scope, regulating all aspects of social life, from relationships between the king and his officials, familial relations, and village governance to economic, political, administrative, diplomatic, and military matters. One of its most notable aspects was its emphasis on the status of women in society. Although certain limitations and class-based biases remained, the code introduced several provisions protecting individual freedoms and democracy, including the rights of lower-class citizens (*dân đinh*). It also contained laws against enslaving commoners. Notably, the legal system did not discriminate based on social class, reflecting Lê Thánh Tông's consistent policy of governing the nation through law and order.

Quốc triều hình luật – A Prominent Legislative Achievement. The *Quốc triều hình luật* was not entirely the creation of Lê Thánh Tông but rather the culmination of legal developments during the Early Lê Dynasty. His contribution lay in revising, supplementing, and refining the legal system. The code consisted of 722 articles divided into 16 chapters, embodying a strong sense of humanism and national identity. One remarkable aspect was its impartiality in judicial matters, ensuring that individuals of all social classes were treated equally before the law while also safeguarding the rights of commoners and marginalized groups.

Key Legal Provisions.

Civil Law. The Quốc triều hình luật contained provisions on land ownership, inheritance, and contracts. It recognized three main types of ownership: State ownership (land and temples managed by the king), Village ownership (communal land cultivated by peasants), and Private ownership (privately held land protected by law).

The code also imposed strict regulations to protect private property, enforcing severe penalties for land encroachment. It included detailed provisions on transactions, mortgages, and land transfers. Civil liability was clearly distinguished between intentional and unintentional harm, with compensation determined according to the extent of the damage. Some provisions were quite progressive, ensuring justice for victims and fairness in dispute resolution.

Criminal Law. The Lê Dynasty's penal code followed the traditional five-tier system of punishments: *Xuy* (beating with a cane), *Trượng* (beating with a stick), Đồ (forced labor), *Lưu* (exile), *Tử* (capital punishment).

Additional penalties included demotion (*biém*), confiscation of property, and branding criminals' faces. The code established the principle of *nullum crimen, nulla poena sine lege* ("no crime or punishment without law"), meaning that an act could only be punished if explicitly defined as a crime. The option to pay a fine in place of punishment applied only to minor offenses, while severe crimes such as treason and rebellion were non-negotiable. Moreover, the law provided leniency for elderly individuals, children, and those who committed crimes under extraordinary circumstances.

Marriage and Family Law. Influenced by Confucianism, the law upheld a patriarchal system that prioritized men over women. However, it also included provisions protecting women's rights, such as prohibiting forced marriage and securing the legal rights of wives. Acts of incest and adultery were severely punished. The law also reinforced principles of fidelity and family harmony, emphasizing loyalty and moral conduct within the household.

Procedural Law. The judicial system under the Early Lê Dynasty comprised multiple levels of courts, ranging from village officials to district magistrates, provincial governors, and central authorities. This structure ensured fair trials and allowed citizens to appeal wrongful verdicts to higher courts, including the royal capital. The law strictly regulated detention and trial procedures, safeguarding defendants' rights and prohibiting unlawful torture and forced confessions.

The Influence of *Quốc triều hình luật.* The *Hồng Đức Code* demonstrated a strong legalist spirit while maintaining elements of traditional Eastern moral governance. As a legislative milestone in Vietnamese feudal history, it reflected the political and social advancements of the Early Lê period. Many of its progressive ideas remain relevant in modern legal systems. Harvard professor Oliver Oldman once praised the code, stating that several of its provisions were comparable to early modern Western legal principles. This recognition highlights the *Hồng Đức Code*'s significance and historical value in Vietnam's legal heritage.

Lê Thánh Tông's Perspective on the Method of Law Enforcement

In Lê Thánh Tông's legal philosophy, the law is always necessary, but more importantly, it is about how it is enforced. Ultimately, all national disorder begins with a



breakdown in discipline and the loosening of legal order. Therefore, Lê Thánh Tông emphasized strict law enforcement. He was entirely correct in declaring that the establishment of regulations and institutions was to uphold discipline. He had every reason to use particularly strict language to announce to officials and the people that: "Anyone who disrupts the law shall be executed in the marketplace without mercy, and their family members shall be exiled to distant frontiers" (Chu Thiên, 1943, p.61). This reflects his em

Beyond issuing legal documents and fostering public trust in the ruling authorities, Lê Thánh Tông also advocated for building a strong bureaucratic system—officials who would represent the king in enforcing the law. He believed that those responsible for the law must be competent, knowledgeable, and experienced in its application. Maintaining discipline begins with leaders-those who set the standard and uphold order. If those in power fail to uphold discipline, disorder will inevitably spread below. In the feudal state apparatus, officials played dual roles as administrators and judges, leading to widespread abuse of power and oppression of the people. To protect the legitimate rights of the people, officials had to respect the law, and all, regardless of rank, were to be punished according to the law. This was essential to prevent the arbitrary use of power, particularly among high-ranking officials at the central level. A prime example was the punishment of Cao Bá Trường, who was publicly flogged and exiled for corruption, as well as the demotion of several military officials for misusing soldiers for personal gain (Hoàng Văn Lâu, 1998, p.427). Additionally, Lê Thánh Tông emphasized the strict enforcement of royal decrees. He wrote: "If a royal edict prohibits something and an official deliberately violates it, they shall be demoted or exiled. If the matter is urgent, the punishment shall be increased" (Insun Y, p.125).

Furthermore, Lê Thánh Tông championed equality and fairness before the law. He asserted that even the king, as the supreme ruler, must govern according to the law. If laws were not strictly enforced from the top, the king's authority would diminish. In legal matters, whether dealing with commoners or high-ranking officials, he adhered strictly to the law, avoiding personal biases. Notably, he did not grant leniency to his former tutor, Trần Phong, or to Lê Bô, who had played a crucial role in his rise to power.

Regarding criminal punishment, Lê Thánh Tông was impartial, enforcing strict justice even against royal officials such as Nguyễn Thư, Chu Đức Đại, Dương Minh Phong, and Ngô Át. He decreed: "These attendants have become accustomed to accepting bribes. The judiciary must act with fairness; their crimes warrant the death penalty" (Hoàng Văn Lâu, 1998, p.435).

Lê Thánh Tông's legal enforcement combined strictness, fairness, humanitarian values, and oversight. He also harmonized the Confucian concept of *德治* (*德治*, *dé zhì—* governing through virtue) with 法治 (法治, fǎ zhì—governing through law). 德治 emphasizes



moral principles and ethical responsibilities, encouraging voluntary compliance with social norms. Here, fact (benevolence) forms the core of virtue-based governance, while Aactive (rites and norms) serve as its guiding principles, regulating social interactions from family to society.

While 德治 and 法治 are often seen as opposing approaches, Lê Thánh Tông viewed them as interconnected. Virtue-based governance provides ethical foundations for the rule of law, while legal governance serves as a practical method to uphold moral values. A society relying solely on ethics without legal enforcement cannot maintain stability. Conversely, a legal system without moral guidance cannot build a sustainable and just society.

By emphasizing ethics, Lê Thánh Tông established laws as instruments for cultivating a morally upright society. Conversely, when enforcing laws, he aimed to uphold ethical standards, traditional values, and social harmony. This balance ensured that law served both as a means of justice and as a tool for moral education, guiding people toward a disciplined and ethical life. Ultimately, law must be rooted in morality, safeguard ethical values, and promote moral standards.

4.2. Lê Thánh Tông's Ideological Lessons on Law in Building a Socialist Rule of Law State in Vietnam Today

Researching and analyzing Lê Thanh Tông's legal philosophy from a historical and philosophical perspective provides valuable insights for building a socialist rule of law state in Vietnam today. His governance model, characterized by strict legal enforcement, fairness, and moral integrity, offers several important lessons:

First, building the state and legal system must be based on the fundamental rights and interests of the people, always adhering to the principle of "the people as the root." Within the legal system, the state must govern with virtue, ensuring that all levels of government, from central to local, establish a strong foundation rooted in the people. Consequently, officials must regard the people as the true masters while considering themselves as public servants, setting an example, and dedicating themselves wholeheartedly to the people's well-being. The virtue-based governance of King Lê Thánh Tông emphasized "loving the people as one's children," constantly adjusting policies to ensure national peace and the prosperity of the people. Inheriting this tradition, the 11th National Congress of the Communist Party of Vietnam affirmed: "Building a socialist rule-of-law state of the people, by the people, and for the people" (Communist Party of Vietnam, 2011, p. 72). At the same time, both the State and the Communist Party of Vietnam have reaffirmed the necessity of "respecting and ensuring



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human rights and citizens' rights, caring for people's happiness, and fostering the free development of each individual" (Communist Party of Vietnam, 2011, p. 85).

Second, to fully unleash the power of the people and earn their trust, it is crucial to eradicate bureaucracy, corruption, and wastefulness, which are persisting and even spreading in Vietnam today. This is both an urgent and long-term struggle, a decisive factor in building a truly strong socialist rule-of-law state. Protecting the rights and interests of the people requires a well-developed legal system. Laws must be transparent, clear, strictly enforced, and subject to supervision, ensuring that everyone abides by them without exception. The law must stand above individual will and any special interest groups. Additionally, legal and state-building efforts must be grounded in reality, addressing weaknesses and obstacles that hinder societal progress and development. The legal and state ideologies embodied in the Quốc Triều Hình Luật (the National Dynasty Penal Code) represented a profound ideological reform in Vietnamese history. This is because laws not only reflect the level of societal development but also serve as instruments to promote progress.

Third, efforts must focus on improving the legal system to make it increasingly rigorous, fair, and strict, with the legitimate rights and interests of the people as its foundation. The prosperity of the Early Lê Dynasty under King Lê Thánh Tông demonstrated that only when laws are strict and comprehensive can the nation maintain stability and development. A stable political system is only possible with a well-structured legal framework, which should be recognized as the "key" to a strong government and a progressive, civilized society. Furthermore, an effective legal system should not merely serve to protect the ruling dynasty or the interests of the elite but must be based on the "will of the people." This means that through the legal system, citizens must feel a sense of justice, protection, and above all, trust in the state. In contemporary Vietnam, the legal system has gradually improved, yet some inadequacies and loopholes remain. These must be addressed promptly to not only uphold social stability and fairness but also to strengthen public confidence in the leadership of the Party and the State.

Fourth, in addition to improving the legal system, the State must implement a comprehensive set of measures aimed at building a modern and civilized society. These include socio-economic policies, administrative reforms, institutional reforms, improvements to the state apparatus, and the active role of cultural, political, and social organizations. A broader perspective on King Lê Thánh Tông's era reveals that his

dynasty's prosperity resulted from a series of systematic and comprehensive reforms ranging from state administration to economic, cultural, and educational advancements. Among these, the establishment of a strict, fair legal system that safeguarded both the monarchy and the people's rights served as the fundamental basis for the success of other reforms. This historical lesson underscores that successful reforms require holistic and synchronized solutions across all sectors. Implementing fragmented or isolated measures in specific areas can only serve as temporary solutions to the broader challenges facing a nation. This lesson remains highly relevant to Vietnam's ongoing renewal efforts today.

5. CONCLUSION

Law is an essential tool for regulating social relationships, contributing to a better-functioning society. It plays a crucial role in strengthening and consolidating state power while maintaining social stability. Meanwhile, ethics help individuals cultivate moral character, refine their behavior, and foster a sense of community. Law and ethics serve distinct functions; thus, society cannot be governed solely by one or the other. Instead, the legal system must be structured in a way that enables the law to support, enhance, and promote the role and values of ethics in social life, aiming for a morally upright society. At the same time, fostering education and advancing ethical standards that reflect national identity and progressive values will, in turn, improve the process of legal development, implementation, and enforcement. This invaluable lesson was applied by King Lê Thánh Tông in the 15th century to consolidate the centralized monarchy of the Early Lê Dynasty, and it remains relevant in today's efforts to build and refine Vietnam's socialist rule-of-law system.

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