

Comparative Analysis of Confucians Teachings Based on Morality and Legalism Based on Legal State Administration

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Annotation: The evolution of ancient Chinese philosophy and culture is examined in this article. Additionally, a comparison analysis is conducted between the morality-based Confucianism and the legislation-based Legism, both of which greatly influenced the Chinese people's worldview in ancient China.

Key words: Ancient China, Confucianism, legalism, ideal state, state administration, legislation.

Introduction

The questions of what constitutes an ideal state and how its residents are governed have never become less important. Since the time of Plato, several attempts have been made in the European tradition to provide both pragmatic and merely theoretical answers. Although there have been views on this issue even earlier, we cannot categorize them as entirely theoretical because their written sources have not been found. It is obvious that Plato wrote works dedicated to this topic. In Central Asia, this topic has always been significant. Specifically, Abu Nasr Farabi's "The City of Virtuous People".

Notably, these problems and their solutions were characteristic of ancient Chinese thinkers. What's important to remember is that China is still a powerful nation with a long history that might lead to high levels of conflict and systemic instability. Nowadays, it is a huge country split up into separate parts that are frequently at conflict with one another. Despite the fact that it is the twentieth century. This area saw an ongoing civil war for nearly 40 years, (from 1911 to 1949). In the process of modern "globalization", there are 56 nationalities and 228 active languages on the territory of the PRC. Eliminating the reoccurring divides required a theoretical and practical solution to the problem of creating permanent unity of the nation. This created a distinctive experience of public administration. Its distinctive feature was the radicalization or hyperbolization of a part of the law (a person's voluntary or forced compliance with the law). As a result, the struggle of the philosophical schools gave rise a debate about the conflict over the pure spirit of the law at the theoretical level. Similar trends may be found in the teachings of the two main schools of ancient China: The Legists, who rejected the tradition of "voluntary compliance" with the law, and advocated strict regulation of human activities, and the Confucians, who opposed formalized law and dependent on tradition.

Literature Analysis And Methods

Scientists from Russia and Europe were widely studied on the theories of Legism and Confucianism, which had a significant impact on Chinese culture and thought. This article examines Legism's and Confucianism's perspectives on building the perfect society. Dialectical, systematization, hermeneutic and synergetic methods, as well as the principles of complementarity, verification, historicity, succession were also used during the research.

Results

As mentioned above, China's historical context is related to its inability to fully integrate representatives of different cultures, which raises the problem of "tribal freedom" and the relationship between the government on the basis of a single state governed by one state. During the time under review, this society was marked by frequent disagreements. On the territory of China, there were several kingdoms that were constantly conflict with one another, and in each of them, in turn, there was a fierce competition for dominance between the rulers and the aristocracy. In order to hold onto their power, the rulers attempted to establish a system of direct authority from officials loyal to the center across the country, and this created the need to maintain a growing bureaucratic apparatus

Discussion

The ruling class aimed to appoint as advisors capable statesmen who were not blood relatives of the region's aristocracy. In fact, demand dictated supply, and that's why it was during this period that the institution of wandering thinkers, part-time professionals in the field of public administration, spread. However, China had a millennium of statecraft experience by then, and although all the principal characteristics of the bureaucracy established during the era of Western Zhou had emerged, there was still no single public administration ideology in existence. In an effort to fit the new ideology's requirements for the social order, representatives of many schools attempted to engage not just Confucians and Legists but also Maoists, Taoists, logicians, and natural philosophers. The only people whose names were immortalized were those who carried the concept of a powerful centralized state to its natural conclusion. Confucius generally supported for humanity and all the positive traits that humanity has developed during the harsh and violent period of forced labor and murder. The notions of jen ("humanity") and li ("rules", "decency"), which he actively employs, serve as the foundation for this [6; 201]. They are, however, viewed as a tool to bolster the authority of the ruler – who is everything but humane – in order to overcome the opposition of the established aristocratic authorities and bring the scattered kingdoms together under his tactful guidance to form an empire.

Thus, Confucius did not set out to defend the necessity of national unification; instead, "Long live the emperor!" offers a collection of slogans. The concept of the noble man, or *szyun szi*, is at the heart of Confucianism. All the people living in the heavenly empire ought to follow the example set by a noble husband. It is the bearer of the same thing: a set of moral precepts and manners standards. It means a lot and encompasses a lot of things, like honoring parents and ancestors, being human and, most importantly, loving family members, obeying elders and showing respect for them, being honest and sincere, and striving for inner self-improvement. According to Confucius, everyone can be a noble husband, it just depends on them. A career in politics could be greatly expanded by education, but the head of state could only rise from within the aristocratic class, and he was dependent on them as delegates of the executive branch.

Confucius believed that the secret to establishing a peaceful society was to embrace the ideal model of the individual as a vital component of the state. His society could not resist the state, because they were associated with common values, but to a certain extent it was able to perform control functions. "If the above "Lee" principles were violated; society could put passive pressure on them. The moral principles of society also influenced politics. It was the unification of ethics with politics that later caused the strong resistance of the legalists" [3; 12].

Why did Confucius prefer to rely on temporary ideas about the moral principles of public administration, rather than the principle of universal equality before the law, which was put forward by the first legalists of the Fa Szia school?

According to Confucius, having everyone treated equally under the law is like attacking an individual. He contends that everything that is imposed from above by force is only recognized on the surface and never penetrates people's emotions, making it incapable of functioning properly: "When people are instructed by a government based on laws and face punishment, they will learn to avoid punishment and become less ashamed." The populace will feel humiliated and continue to be submissive if you encourage them to follow moral principles and uphold order through application. [6; 228-229].

Confucius proposes to start unification based on the concept of "family-state". According to this model, the state is made up of fathers and kids, much like a "big family". The relationship between citizens and authorities is regulated as education. Statesmen played a special role as "fathers of all families" and had to act accordingly. Sun Tzu (544-496 BC) wrote a book called *The Art of War* that used Taoist dialectics and Confucian concepts to depict this relationship between people and masters with regard to the army. A military leader comes from the principle, "If you treat soldiers like your favorite sons, they will obey." It states: "Treat soldiers as your children - they will follow you into the 'narrowest valleys' (mountain gorges); treat them as your sons - and they will be with you to the end" [7:157]. "In this regard, the opinion of Kun Zi (Confucius) and Sun Zi is the same: since there are no fathers who wish harm to their sons, there are no sons who oppose their fathers" [7:157]. Furthermore, it makes no sense to kill people in a war if they are all part of the same large family. Sun Tzu believed that a military leader who is effective would win without damaging the enemy's territory, avoid long-drawn-out conflicts, and win at the lowest possible cost to himself and his fellow warriors. It is preferable to keep the enemy's nation secure... Additionally, it is preferable to capture an entire army rather

than destroy it. Therefore, battles and captures are considered the highest skills of military operations. does not; such a skill is to surrender to the enemy's army without a fight" [7;26]. Although this principle was not always put into practice, even if it was less common for "barbarians" (peoples around China), it served to humanize military operations to a certain extent.

Confucius said: "A ruler [should always be] a ruler, a servant is a servant, a father is a father, a son is a son." The "correction of names" theory upholds this order by making references to the past. Past experience provides the appropriate order for the present. To control the country, according to Confucius, "it is necessary to observe the Xia dynasty's time calculation, ride in the Yin dynasty's chariots, wear the Zhou dynasty's headdress, and use the music of the Shun and Wu-wan periods." The most common formulation of being a successful leader is "He who repeats the old and learns the new can become a leader" [6,194]. In this system of relations, the emperor has a kind of "heavenly mandate" that confirms his justice, but is a "son of heaven" who is a guarantee of the loyalty of the governing methods, which he can lose due to arbitrariness. serves as. Confucius was a more democratic leader who believed in the strength of tradition. He established national norms as the nation's greatest asset and source of pride, and he opposed rigid, written laws. One of Confucius's quotations from his book "Lun Yu" can be used to assess this: "People would strive to escape (penalties) and feel no shame if you rule them with rules and keep order by punishments. By ritual, you will uphold order if you are a moral leader of the people. Those who know the embarrassment will realize it and take action to change. [6; 8]. Ethics in Confucianism is the law. "Why should people be killed while running the state?" Confucius urged the ruler to be good. People will be good if you work toward being decent" [4:161].

Confucianism emphasizes virtuous leadership: "Government according to virtue, and it is like the North Star standing in its place, and all the other stars follow it" [1;20].

As virtuous leaders act in accordance with justice and ritual, rather than their own interests, Confucianism claims that they can accomplish optimal leadership outcomes. Devotion to the Confucian virtues, pursuit of noble goals, loyalty to relationships, full commitment to key management tasks, empathy for the feelings of others and willingness to work tirelessly for the common good, good treatment of family members and willingness to serve - loyalty to the king enters. Confucianism emphasizes the importance of respecting rituals and submitting to authority. Confucius thought that people would be more inclined to follow authorities who adhered to the rituals. Confucian-inspired leaders reflect their loyalty by working tirelessly for long-term interests that benefit the country or the king.

However, despite its appeal and the tolerance of the traditions of the peoples living in Ancient China, Confucianism was temporarily defeated. This is because there were no clear laws governing the country. The country needed competent law-making because, without it, it would be nothing more than a collection of disparate tribes. In this case, form was needed as a material shell for general rules. It was proposed by Shan Yan, the founder of the legislation. He acts radically and makes the law absolute without its spirit. Shan Yan faced different situations, so he was interested not in the moral principles of government, but in the ability to strengthen and expand the state by absorbing weaker neighbors. It is not without reason that he paid special attention to the development of agriculture, because the implementation of many of his fundamental political guidelines depended on the successful solution of the grain problem. Initially, we are discussing the reorganization of the administrative structure, as the establishment of a fresh bureaucratic framework, fully funded by the government, necessitated a tenfold rise in the royal palace's costs. It also signified the effective execution of foreign policy, since Shan Yan's wars could not be waged until substantial food reserves had been accumulated in the nation. Therefore, Shan Yan advised to develop undeveloped land, to attract landless peasants from other principalities, and also to save his own peasants from destruction, for this he even proposed to ban private trade in grain. Shan Yan suggested creating a state monopoly on the exploitation of natural resources and giving the ruling house the necessary money in order to increase the economic might of the royal family. Later, when state monopolies on salt and iron were established in the Sin and Han empires, this suggestion significantly contributed to the construction of the economic foundation of China's centralized bureaucratic state.

All these economic reforms were based on inhumane methods of management. According to Shan Yan, a humane king cannot rule the country. A ruler can form a good government only if he relies on uniform laws that are binding on all. This is done using the law of political action. The ruler has unlimited power, he is the creator of laws and does not have to discuss his decisions with anyone. The ruler is not punished for violating

laws and moral standards. The head of state could not be criticized for his acts. People could not progress higher in the nation's ranks unless they were loyal to the monarch and obeyed his directions; the masses were not the last to do so. Shan Yan did not support education. The ruler needed a loyal but narrow-minded subject interested only in farming and war. The less familiar the subject, the better: "When people are stupid, you can rule over them with your intelligence." Shan Yan shares his thoughts on why he sympathizes with the uneducated: "When a ruler appears, the need for sages disappears." However, he is not afraid of educated people: "In our age, intelligent [people] do not have too much power and can be easily subdued" [5;176-177]. Legists support fear and submission as the highest virtues, rejecting a multitude of customs because they think it is impossible to take into account each one: "When punishments inspire fear, the people die for the ruler." [5;130], "if you severely punish minor crimes, there will be no room for major crimes" [5;131].

Conclusion

Notably, legism is a set of useful guidelines for the establishment of a power-based state as well as a philosophical theory founded on unadulterated observation. Additionally, Confucius rejected dogmas because he believed that rituals were not fixed forms but rather dynamic cultural traditions. As a result, we can interpret the thinker's reference to the "spirit of the law," which he claims to absolutize, as the power of tradition. Furthermore, this technique does not present any issues within the context of the state's "big family" notion because it is hard to imagine families that have behavioral standards and an officially recognized order (tradition) and do not naturally follow to them.

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