The State—Religious Relationship in Vietnam: A Socio-Legal Analysis

Son Nam NGUYEN
Peoples’ Friendship University of Russia, Moscow, Russia

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Abstract. The author observed and analyzed the changes in laws and phenomena in social life revolving around the state—religion relations through historical periods of Vietnam. On that basis, comments and issues that need attention for building this relationship in the future were marked. Methods of analysis, synthesis, and comparison were used to conduct this study. In this paper, the author consulted the kinds of literature of Vietnamese scholars related to the research issue. The result shows that the state—religious relationship in Vietnam should be built on secular principles, in the direction of supporting religious diversity and needs to maintain harmony founded on Vietnamese culture and society.

1. Introduction

Vietnam is a multi-religious country. Religions in Vietnam appeared very early and in many different ways. Currently, most of the major religions in the world as Buddhism, Catholicism, Protestantism, Islam are present in Vietnam. These religions, together with the endogenous religions of Vietnam, have increased the number of operating religions in Viet Nam to 16 [1]. Hence, the behavior of the state to religious affairs becomes one of the contents that have greatly influenced and dominated social life. The state - religious relationship is one of the extremely significant issues in the process of national development. In the beginning, when religions were not fully formed in Vietnam, the state - religious relationship focused on the behaviors of the state to religions. But in modern Vietnamese society, the state’s policy concentrates on building the relationship between the state and religious organizations. This relationship not only affects the cultural and spiritual life of the people but also is related to political and legal factors. The history of Vietnam since the existence of the state and religion has witnessed changes in religious policies and laws, leading to alterations in social life. To clarify the state—religious relationship in Vietnam, the author used methods such as analysis, synthesis, and comparison.

2. The State - Religious Relationship in the States of Vietnam in the Past

2.1 From B.C. to the end of the 15th century

Religion appeared in Vietnam from the beginning of B.C. Buddhism arrived in Vietnam by sea routes from India and land routes from China almost two thousand years ago [2]. In the stage of the Dinh, Tien Le, Ly and Tran dynasties (X-XIV centuries), Buddhism played a leading role. During the period of the Dinh and Tien Le dynasties, many monks participated in court affairs. Under the Ly and Tran dynasties, Buddhism was considered a national religion, the pagoda system flourished, and some kings even decided to lead a religious life. By the 15th century, the Hau Le dynasty attached great importance to Confucianism as spiritual support in society. Therefore, the village communal house (the symbol of Confucianism) replaced the pagoda (the symbol of Buddhism) as the center of village life. However, Confucianism, despite its central position, still had a close association with Buddhism and Taoism in a unified system. Although each dynasty had its dominant religion, the Vietnamese culture itself implemented the so-called “the assimilation to exogenous religions” so that the religions coexist in harmony. The phenomenon of “the triple religion” (Buddhism, Confucianism, and Taoism), in many centuries, even combined with folk beliefs and were localized into one large
syncretic religion, or a religious trinity, which is a typical trait of the traditional Vietnamese society [3]. It can be affirmed that during these dynasties, the relationship between the state and religion was quite harmonious. Religious policy, in general, facilitated the development of religions.

2.2 From the sixteenth century to 1945

From the sixteenth century, Catholicism was introduced to Vietnam, emphasizing contact with European culture through Christian merchants and missionaries [4]. In the period of contact with Chinese culture before, Confucianism, Taoism, and Buddhism integrated into the belief and religious life of Vietnamese people, went deeply into the ideology of the feudal state. However, the appearance of a new religion like Catholicism caused conflicts of religious ideology. One of these conflicts is ancestor worship, which was criticized by Western clergymen in spite of its meaning as a Vietnamese people’s long-standing deep-seated tradition. In reality, for several centuries, the Vietnamese Catholic followers had to renounce the worship of their ancestors. Only at the beginning of the 1970s the tradition of ancestor worship returned to Vietnamese Catholics [2]. To resolve the conflict of religious ideology, which was essentially a conflict between East and West culture, both the state and religious organizations in this period had inappropriate behaviors. Western missionaries did not yet know the so-called “customary joining” while the feudal governments in “The North” and “The South” of Vietnam promulgated strict religious prohibitions [5]. The feudal states carried out policies of forbidding religion with the royal edicts of King Minh Mang (in 1825, 1832) and King Tu Duc (in 1851, 1855, 1857, 1861) [6]. The results were fierce conflicts with Catholicism. Moreover, they became one of the reasons for the French colonialists to wage an invasion war in Vietnam in 1858 (under the guise of freedom of Christian mission) [5]. Observing this period can conclude that the state's behavior with religions is an important issue, related to national security and social safety.

2.3 From 1945 to 1975

In the country’s complicated age from the time when the French colonialists invaded Vietnam until Vietnam completely unified the country in 1975, the existence of political regimes such as the State of Vietnam (South Vietnam) (1949-1954), the Republic of Vietnam (1955-1975) and their controls of religious organizations also reflected the complexity of socio - legal life. Legally, Royal Edict No. 10 of the Chief of the State of Vietnam on religious organizations was issued on 6th August 1950, consisted of 5 chapters and 45 articles, which demonstrated discrimination against religions except Catholic [7]. This royal edict was amended, supplemented and maintained several times for implementation under the Republic of Vietnam. Religious life in Southern Vietnam during this time was extremely difficult for Buddhism and endogenous religions of Vietnam such as Cao Dai (born in 1926), Hoa Hao Buddhism (born in 1939)... This injustice caused to one of the most important events of religious life—“The Buddhist crisis” in 1963. This crisis lasted for half a year and spread throughout Southern Vietnam, which was the conflict between Buddhism in Southern Vietnam and the Government of the Republic of Vietnam. It can be noticed that the policies of religious persecution and building the national religious monopoly for Catholicism during this stage were not suitable for the religious needs of Vietnamese people. These things even brought into unfortunate consequences and chaos in society.

3. The State—Religious Relationship Building of the Modern Vietnamese State

3.1 From 1945 to 1975

Vietnam’s third cultural contact with the light of the Russian Revolution of 1917 led to the foundation of the Democratic Republic of Vietnam in 1945. Policies and laws of the State of the Democratic Republic of Vietnam contained the following significant points: exercising freedom of belief [8]; practicing the solidarity between religious and non-religious people; protecting belief and religious establishments; respecting religions; promoting the patriotism of religious dignitaries and followers [2]. The above-mentioned points, in general, set up the stability of society, national
solidarity and contributed to the tasks of the resistance war against the second invasion of the French colonialists.

After Restoring Peace in Northern Vietnam in 1954, the President of the Democratic Republic of Vietnam signed and promulgated the Decree on Religious Affairs on 14th June 1955. This decree is a milestone in the state-religious relationship. Many researchers consider this decree to be the foundation of the development of Vietnamese policies and laws on belief and religion, to be the legal document confirming the choice of secular state model, in the direction of supporting religious diversity in Vietnam [9]. Based on this decree, state-religious relations were built on rational grounds such as 4 issues: recognition of the people's right to freedom of belief, the right to follow or not to follow the religion of the people; the government did not interfere with internal affairs of religious organizations; religious organizations had rights to freedom of expression and publish; economic and cultural activities of religions protected by law [10]. In general, throughout this period, despite the difficulties of the war against the US, the State of the Democratic Republic Vietnam established very progressive legal regulations.

3.2 From 1975 to the present

After reunification in 1975, the State of the Socialist Republic of Vietnam continued to build harmonious relationships with religions or religious organizations in particular. The highlight of this period was the participation in the International Convention on Civil and Political Rights in 1984, which involved the exercise of freedom of belief and religion. This period also witnessed the fourth cultural contact with culture in the context of the globalization [4]. The processes of internalizing international treaties and addressing people's religious and religious needs connected to the promulgation of typical legal documents such as Ordinance of the Standing Committee of the National Assembly dated June 18th, 2004 on belief and religion, Law dated November 18th, 2016 on belief and religion.

4. The Responsibilities of the State and Religious Organizations in Building Harmonious Relationships

The above policy has shown more and more clearly and reasonably the responsibilities of both the state and religious organizations in building harmonious relationships as follows:

4.1 The responsibility of the state in general and the state management agency on religion in particular

Regarding the responsibility of the state, since 2004, this issue clarified in the following contents: guaranteeing the right to practice beliefs and religious activities according to the provisions of law; respecting cultural values and religious ethics; preserving and promoting the positive values of the tradition of ancestor worship, commemorating and honoring people with meritorious services to the country and the community in order to contribute to strengthening the great unity bloc of the entire nation and meeting the spiritual needs of the people [11]. Currently, there is a separate provision on “The state’s responsibility in ensuring the right to freedom of belief and religion” [12]. Besides, the responsibilities of state agencies in dealing with affairs are also more and more specified. Typically, there is a change in management practices on 3 aspects: reducing forms of “registration—licensing”; simplifying administrative procedures; assigning, decentralizing management more appropriately [12]. Presently, the registration of belief and religious activities and the announcement of the list of religious activities have been changed from a perspective of a modern management mechanism: The registration or notice is only conducted for the first time to competent state agencies. The content is not in the registration text or notice will be registered additionally. Some contents of belief and religious activities only need to be notified to competent state agencies such as periodic festivals, operation of training facilities, annual conferences...
4.2 The responsibility of religious individuals and organizations

Responsibilities of individuals and organizations when exercising their right to freedom of belief and religion are recorded more rationally and broadly. Since 2004, this issue is described that “dignitaries and clergypersons have the responsibility of regularly educating patriotism, exercising citizens' rights and obligations and aware of law enforcement” [11]. At present, the state requests that “religious dignitaries, clergypersons, representatives of religious establishments” are responsible for “guiding believers and participants in belief and religious activities exercise religious activities and religious activities strictly according to the provisions of law” [12]. Towards religious organizations, the law always focuses on explanations and propaganda. In 1977, there were provisions on the responsibility of “propagating and explaining”, “helping to facilitate” of the People's Committees at all levels and the Vietnamese Fatherland Front in exercising the right to freedom of belief [13]. Up to now, this matter has become more and more evidently in the provision for responsibilities of the Vietnamese Fatherland Front and mass organizations in the gathering of compatriots with or without beliefs or religions in the great unity bloc of the entire nation [12]. Additionally, the mechanism to ensure the rights of individuals and religious organizations is also increasing. The progress is defined in the recognition of “the right to appeal, initiate administrative lawsuits, initiate civil lawsuits, request to resolve civil matters in Court to protect legitimate rights and interests” [12].

In general, legal provisions, with the recognition of the responsibility of the state and religious organizations in building harmonious relations between the state and religion, have contributed to forming a high consensus in society. It is not difficult to recognize that religious law was designed by the modern Vietnamese government to ensure freedom of belief and religion. The law is the common, uniqueness basis for the state's management of religion and the protection of the rights of religious organizations. Despite the policy of building the country along the socialist path, the state and religious organizations are not in conflict with antagonistic properties. The Vietnamese secular state still guarantees respect for religion. Essentially the present secular state in Vietnam is naturally “based on an atheistic Marxist State, but that never in the laws of religion in Vietnam or the Constitution has the provision affirming "atheism is the ideological system of social domination" as in the legal documents of many socialist countries”[9].

4.3 The alterations in Vietnamese social life due to maintaining harmonious relations between the state and religious organizations

The most meaningful social change in this age is the safety and equality in the belief and religious life of the Vietnamese people. All religions are equal before law. Religions have developed in all aspects, for instance, the addition of state-recognized religious organizations. The number of religions from 3 religions in 1990 increased to 8 after 2004 and up to now are 16; the number of state-recognized religious organizations also raised from 3 in 1990, to 16 in 2004 and now is 43 [14]. This increase has generated the growth of religious facilities. The country has tens of thousands of pagodas, churches and holy houses from high mountains to islands. By October 2018, there were 29,977 religious worship facilities [1]. The number of believers also developed significantly. Within 16 years (2001-2017), the number of believers of recognized religious organizations went up by 6% in the population [14]. By October 2018, the country had 25 million believers, accounting for 27% of the population, 55 thousand dignitaries, more than 133 thousand positions [1].

Besides, an open mind and friendly air between religious organizations and state management agencies have been strengthened. Especially, religious communication has been highly developed. Religious dignitaries become people’s deputies at all levels. Up to now, 1,170 religious dignitaries are members of the People's Council at all levels and 7 dignitaries are members of the National Assembly [15]. The voice of religious organizations attracts the attention of the whole society. For instance, the widespread participation in the social activities of religion, the contribution of religion to charitable and humanitarian activities in society, and international relations activities of religious organizations. By 2017 [16], 60 religious educational institutions, 450 medical institutions, 270 preschool institutions, and 1000 groups of preschool classes were established. International relations of
Vietnamese religious organizations are very diverse as follows: a) purely religious activities, which include visits and participation in workshops and international and regional conferences on religious doctrines, rites, regulations, theological studies; b) secular activities as charitable activities, cultural activities and participation at international conferences concerning peace, development, social progress, anti-war, combating poverty, fighting AIDs held by international organizations or United Nation such as United Nation Vesak Day, inter-faith dialogue on “peace, harmony and co-existence”; c) the organization of domestic workshops, conferences on religion with participation of dignitaries and researchers on religion at home and abroad, for example the international conference on “Religion and Rule of Law”, or the Anniversary of Protestantism in Vietnam [17].

5. Summary

In conclusion, the study “the state—religious relationship in Vietnam: A socio-legal analysis” can draw the following issues:

The state—religious relationship should be built on the right legal basis to ensure stability and security in society. The history of Vietnam has witnessed periods in which the government did not base on the humanism, followed subjective will, and did not address the Vietnamese people's religious needs. This has led to the promulgation of legislative prohibitions with the lack of democracy. These provisions went back to making society confused and chaotic. On the contrary, when the Democratic Republic of Vietnam was born, the law was more developed and constructed solidarity and stability in society.

The appropriate state-religious relationship for the case of Vietnam must be a harmonious relationship of interests of the state and religious organizations. The harmonious relationship between the state and religion is a consequence that requires great efforts of not only the state but also religious organizations. In the context of building a rule of law state, the provisions aimed at establishing this relationship are reflected in strong determination and equal shares of responsibilities of both two sides.

To build a harmonious state—religious relationship on the solid legal basis for the case of Vietnam, the following issues need to be paid attention:

Selecting the secular state model, supporting the religious diversity. According to studies, the secular state model implemented in Vietnam from 1955 to the present has proved its effectiveness and suitability. The issue of religious diversity needs to be maintained because the model of mainstream religion appears to be unsuitable for Vietnam in the current period. History of the Ly and Tran dynasties illustrated for the existence of a national religion, however, current religions in Vietnam are very diverse. Thus, only through supporting the religious diversity and implementing “equality” among religions is an appropriate and prudent solution of the state.

In the process of implementing the secular principles of separation between the state and religion as well as of establishing equality between religions, it is necessary to continue learning from Western countries' experiences with the history of hundreds of years of building a secular state. At the same time, because there is no common model for a secular state, therefore, above all the state must be founded on the cultural traditions of the Vietnamese people, the people's beliefs and religious needs to formulate the most appropriate legal provisions.

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