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Vietnam

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RELIGION, DEMOCRACY, AND CIVIL SOCIETY

Experiences from Vietnam

1. AWARENESS

1.1 My first point is, "Religion and Democracy" in these days is generally speaking of the relationship of religion within society. In European and American societies there are many current issues dealing with religion such as abortion, same-sex marriage, stem-cell research, and various arguments about the relationships between Church and State. Within Asian societies many of these same issues and others relating to religion and public life seem to be even more contentious.

One positive for Vietnam is that the direction to actively building a better society follows our accepted goal and motto of "Prosperity for the People, Strength in the Nation, Fairness for all, Civility in all things."

1.2 My second point, according to the thesis of John Locke all those years ago, religions have the power to appoint civil power. Civil society to us is primarily a European and American philosophy and ideal. However, these days it has become a major issue within many Asian societies as well. Because of this very important social issue, in recent years in Vietnam, the government has continually referred to religion under their terms of the Socialist Rule of Law and Religion.

In spite of that, the adoption of a more "civil society" meaning that the power is held by the people, outside of those that work for the state, is still an ongoing process in Vietnam. However, it must be said, that in the current political system and in most political institutions in Vietnam, there are representatives from most religious organizations, even within the National Assembly which is the highest political body in the country.

1.3 The issues of religion, democracy and a civil society also must be focused on from the perspective of religion. Up to this point, the rate of growth of religious influence in politics in many Asian countries and Vietnam is not very high. Secularity in society has been pretty clear cut. But, at the same time, most of Southeast Asian countries would still say they are religious or have a high "religiosity." I say this because in the relationship between religion and state, though Vietnam has a *fairly* diverse religious system, religious pluralism is still barely revealing itself. The process of building democratization in regards to religion still has many inherent problems.

II. Choosing a Research Model

The process of innovating new religious policy in Vietnam began in 1990 with Resolution 24 of the Vietnam Communist Party. So far, in the aspect of Law and Religion, there are 2 texts and 2 cases that are especially important and the most effective.

2.1 The Ordinance on Belief and Religion was passed by the National Assembly of the Socialist Republic of Vietnam on June 18, 2004. This ordinance was prepared for 11 years and took 4 years and 22 drafts to pass (2001-2004).

2.2 The Directive of the Prime Minister on some tasks regarding Protestantism was issued on February 4, 2005. This directive was given as response to the evolution of Protestantism coming to light in Vietnam.

III. ANALYSIS OF THE CONTENT

3.1 Regarding The Ordinance on Belief and Religion

This ordinance has 6 chapters and 41 points, but in my opinion the following are the 3 most important points of law:

-First - The 5 qualifications to receive official recognition as a religious organization and the regulations on religious activities (Chapter 3, 9 points)

-Second - The regulations on owning property for religious organizations (Chapter 4, 8 points)

Third - The international relationships of religious organizations (Chapter 5, 4 points)

Our opinion is that this ordinance is an important step towards building and accomplishing fair religious law in Vietnam. With this comes the freedom of religion and the freedom of belief for the people, or, in other words, the process of democratizing society in regards to religious organizations that have been more reasonably institutionalized. Another text that came about as a result of the Ordinance also showed the government's determination for this process. The 22nd Decree or the Government Decree on Guidance for the Implementation of a number of Articles of the Ordinance on Belief and Religion was created on March 1, 2005.

In retrospect, after 7 years in effect, we see that the laws regarding religion have not been able to resolve all the conflicts that arise from various religious practices in society. For example, the "regulations on religious activities" still lack certain terms and regulations about the presence of government officials in religious organizations; or in other words the relationship between religion and public life.

Officially recognizing religious organizations is a very important characteristic in the current process of building religious law in Vietnam. However, this is a huge concern because legal status is required for all religions. Without legal status no church, temple, or place of worship has rights or the authority to act under the law as a social organization. This is one of the underlying issues in the process of democratizing society in regard to religion and is a stumbling block in the process of realizing a truly democratic society.

3.2 Regarding the Directive of the Prime Minister on some tasks regarding Protestantism, 2005.

Protestantism has only been popular in Vietnam for a little over 100 years. But, even before this Directive, the Protestant community in Vietnam had over one million members, over 60 sects, and especially flourished amongst the ethnic minorities of Tay Nguyen and other mountain communities in the North.

There have been many discussions amongst scholars and amongst the governing bodies of the state as to the nature of this phenomenon and especially as to what the plans should be for managing the influx. I believe that at the time there was a lack of enforced law and regulation in those remote areas. For a long time now, since 1957, the government has only

officially recognized 6 religions including Buddhism, Catholicism, Cao Dai, Hoa Hao and it also included Protestantism. However, in reality, there was only one sect of Protestantism that was recognized, The Christian Church of Vietnam and the Missionary Alliance.

The Directive of the Prime Minister regarding Protestantism helped open the door for more recognition of various other sects. In 2009 there were 10 Christian sects given legal status with about 1.4 million members. I would also like to say that the Mormon Church is included, not only the branch in Ho Chi Minh City which existed before 1975, but there is also a small branch that is recognized and active in Hanoi that is doing quite well.

In summary, with the two texts I just mentioned, the reality is that Vietnam has put in place what we as scholars like to call "religious reconfiguration." The various religious organizations are more apparent in society. The progression of the religious market is in demand. The minds and hearts of some people are turning to religion and conversion and the choice of belief. These are things that are being addressed and are heating up in Vietnam.

IV. CURRENT ISSUES

4.1 Settling the relationship between religion and democracy; this relationship between religion and civil society is currently taking place in Vietnam. In that process, one of the prominent events is the institution of religious freedom and belief, even though the concepts of this process still require discussion and implementation.

In the process of changing the religious policy, the government is also working to follow principles that are compatible with international laws, that Vietnam has signed in agreement.

4.2 If religious law is an important tool in the recognition of the role of religious organizations in society and civil society plays a similar role in resolving the relationship between the state and religion, then Vietnam also has achieved important results in the establishment of this law. This can be seen as prerequisite to the development of religious organizations as important elements of civil society.

4.3 There is still a lot of progress that needs to be made. Some of the limitations of these two texts of which I have mentioned are being addressed with much thought. Vietnam is currently actively engaged in changing the 1992 Constitution in order to implement more laws dealing with beliefs and religion such as the 22nd Decree. Hopefully these changes will be a sign of positive things to come.