

## RELIGION IN SOCIAL LIFE AND BUILDING OF SOCIALIST OF RULE OF LAW STATE IN VIETNAM

Hoàng Thị Hạnh \*

**Abstract:** *Since its birth, religion has been playing an important role in almost every aspect of human life. From the perspective of Vietnamese reality, the author analyzes positive influences of religion in social life, figures out religious influence on the building of a socialist state of rule of law in Vietnam at the present. The author then proposes some solutions for preservation of and promotion of religious values so as to diminish social evils, strengthen legal relations, enhance the legal awareness, and create preconditions for the building of the socialist state of rule of law in Vietnam. The author believes that this is a durable, complicated process, which requires efforts from many entities such as the state, religious organizations and each citizen regardless religious or non-religious persons. For the state, it must consistently implement policies that respect and ensure the citizen's right to freedom of religion, to follow or not to follow a religion, the right to religious practice according to rule of law. For the religious organizations, religion must be engaged with life, and be accompanying with the nation. For the citizens, they should unite with fellows from different religions or non-religious persons so as to promote good cultural values of religions in particular, of the Vietnamese people in general.*

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Since seeing the light, religion has been playing the important role in all aspects of human life. In *The Protestant Ethic and the Spirit of Capitalism*<sup>1</sup> Max Weber, German sociologist thought that: "Protestant variants of Christianity in the West might generate rational morality and contribute to the victory of the great

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\* Ma, Hanoi University of Technology

<sup>1</sup> See. Max Weber. *Asceticism and the Spirit of Capitalism in Some Problems on Religious Anthropology*, Đà Nẵng Press, 2006 and Lâm Hàn Hợp. *Max Weber*, Thuận Hóa Press, 2004.

historical change for establishment of capitalism and social development”<sup>2</sup>. Protestant dogmas have been theoretical and psychological base to take shape Asceticism in the social life in Europe. Asceticism has been one of many causes to create the lifestyle of simpleness, truthfulness and economization in capitalist society in the first stage. This lifestyle itself was a mainspring to speed up the economic and social development. In this article, we analyse the active influence of religion in Vietnamese social life. We survey to know how religion influences the building of a socialist of rule of law state in Vietnam at present. Then we propose some solutions for preservation and promotion of religious values so that social life becomes better, social evils have been diminished, legal consciousness has been enhanced then the socialist of rule of law state has been built in Vietnam.

Philosopher, Aristotle dealt with the religious role in the social life. He explained that in the same state of matter but living beings have been expressed under many different appearances; it has showed that form has been the important factor. The form is reality to decide the aspect and the essence of things. If matter has been not transformed, things were not born. From this explain Aristotle recognized the super form- the form of all forms, the cause of all causes, it has been the first motive of world creation. This thought has been a foundation of Teleology, thus God created living beings in the world because of his purposes. Teleology has played role in explaining cosmology because science had not explained at that time. Teleology has been therapy to soften people’s miseries at that time.

In the Middle Ages, religion had the great significance in the social life. Medieval philosophy<sup>3</sup> combined closely with religious ideology and all philosophic systems were built more or less on *revealed principle* and *monotheism* – the general principle of Judaism, Christianity and Islamism. Majority of medieval philosophers had heavy responsibilities in Church, they were ordained to be saints (canonization) - the supreme dignity in Church. The others were ordained to be theologians. Because theology was a compulsory subject to learn in monasteries, in universities at that time. It is said that all European States in the middle ages were built on the base of spiritual powers- Church court had been the highest organ of power, the dogmas had

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<sup>2</sup> Nguyễn Văn Dũng. *Max Weber and the Views of the West Scholars on the Buddhist Role in the Oriental Society*, National Politics Press, Hanoi, 2004, p. 150.

<sup>3</sup> Doãn Chính, Đinh Ngọc Thạch. *Philosophy of Middle Ages in Western Europe*, National Politics Press, 1999.

been more important than law; at that time philosophy was named Patrology. Basing on concept of two truths (intelligence and faith),

It had a task to explain world and human life and it clamed down social psychology Religion had a long historical process; it had been a form of social consciousness to reflect unreal forces governing daily life<sup>4</sup>. The evolution of religious forms was dealt with in *the lectures on religious nature* by L. Feuerbach. He thought that the first religious form was Fetishism i.e. reverence of natural phenomena that influenced the human life, for example the sun, the moon, thunder and thunderbolt, ancient trees. The second form was Totemism i.e. reverences of animals that influenced life and production of people, for example birds, animal, fish. After worship of animals was the worship of ancestor for memorizing and repaying parents, grandparents, ancestor who brought up descendants. It has been special characteristic of Orient religion. According to Feuerbach, these religious forms were the base of Politheism – an intermediate stage of establishing of Monotheism. The appearance of Monotheism expressed the important advance in human awareness; at the same time, it reflected social reverence for the head of community, of state (king)<sup>5</sup>

When explaining the religious role in modern social life, the Western philosophizes had different recognitions<sup>6</sup>. Basing on approaches of real life, J. G Frech thought that religion was power that was higher than human. This power was revered because it ruled nature and human life. Basing on rational standpoint, H. Spencer affirmed that religion was belief on some powers and it transcended man's knowledge. After investigating the real life, S. Freud considered religion to be therapy in resolving of aspirations that people were unable to attain in life. A. Reville considered religion as the definition of human life through relation between mystical spirit and human. From sociology angle, E. Durkhiem thought that religion was a collective representation “to express respect in consciousness which could excite or control all human actions”<sup>7</sup>. If we would like to objectively and completely understand religion, we should consult A. G. Spirkin's view: “Religion is complete and general conception. It consists of given legend, a doctrinaire system, the worship

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<sup>4</sup> K. Marx and Engel. *Complete Works*, National Politics Press, Hanoi, 1994, Volume 20, p. 437.

<sup>5</sup> Lê Công Sự. *Religious Philosophy of L. Feurebach*, Religious Studies Review, N<sup>o</sup>. 1 and 2, 2006.

<sup>6</sup> See *Some Problems on Religious Anthropology*, Đà Nẵng Press, 2006.

<sup>7</sup> See Emile Durkheim. *Religions are a collective symbol* in *Some Problems on Religious Anthropology*, Đà Nẵng Press, 2006.

and ritual, religious institutions, the relation between believers and religious organizations”<sup>8</sup>. This argument was considered a definition to correspond with the meaning of etymology<sup>9</sup>. Engel said that “the word ‘religion’ came from the word ‘religare’, at first this word meant ‘relation’ - the relation between human and deity<sup>10</sup> between subject (internal world) and object (natural world), between individual and society.

Vietnam has been a state locating in the Indochinese Peninsula, bordering many countries and the East Sea. Vietnam has many favorable conditions in cultural exchange and receiving religions. After appearing in China, Taoism gradually came into Vietnam. Taoism had supplemented many things to Confucianism. Taoism was different from Confucianism; it had a role in the spiritual life of Vietnamese. The conception of fairy in Taoism was inspiring source of many legends as Chử Đồng Tử, Từ Thức meets fairy.... These legends have had human and moral significances. These legends have advised people to follow the philosophy “one good turn deserves another”<sup>11</sup>. Furthermore, Taoism has advised kings should not be complacency and lose vigilance because the state had the more laws to denote that there were many robbers in this country<sup>12</sup> it is better way to create good conditions for people developing freely.

Although Buddhism came into Vietnam later than Taoism, it had had an important role in social life of Vietnamese<sup>13</sup>. With philosophical conceptions as Sila, Samdhi and Prapna, Buddhism has advised people should live mercifully, humanely and reject passion, anger and ignorance. Buddhism has rooted Vietnamese feeling, Vietnamese always think of “sow the wind and reap the whirlwind” or “we reap as we sow”, “the father have eaten sour grapes, and the children’s teeth are set on edge”- i.e. all evils were punished by Supermen being. “Our history proved that Vietnamese Buddhism always goes with nation except some stages”<sup>14</sup>.

<sup>8</sup> A. G. Spirkin. *Social Philosophy*, Propaganda Press, 1998, the 2<sup>nd</sup> volume, p. 139-140.

<sup>9</sup> Language explains the content and significance of terminology basing on its source.

<sup>10</sup> See K.Marx and Engel. *ibid*.

<sup>11</sup> Phan Ngọc. *The identity of Vietnamese culture*, Information and Culture Press, Hanoi, 1998.

<sup>12</sup> See Lao Zi. *Tao teaching*, Literature Press, 1995, chapter LVII.

<sup>13</sup> Nguyễn Hồng Dương. *Study and Apply the Buddhist Cultural Values in Vietnamese Society at present*, Religious Studies Review, N<sup>o</sup>. 5, 2008.

<sup>14</sup> Lê Tâm Đắc. *The Contribution of Buddhism in the North to the Cause of National Liberation in the First Half of the 20<sup>th</sup> Century*, Religious Studies Review, N<sup>o</sup>. 6, 2008, p. 13.

Although having been established long ago, Catholicism was propagated into Vietnam late. According to some documents, Catholicism was introduced to Vietnam in Lê Trang Tông reign (1533)<sup>15</sup>. Spanish, Portuguese clergymen, in particular Alexandre de Rhodes (1591-1660) had credits of propagating Catholicism in our country. In order to preach, Alexandre de Rhodes and some clergymen created the new Vietnamese writing system; largely using the Roman alphabet- still used today and now called Quốc Ngữ (national language). What a pity! “The penetration and secret activities of men who were under the cloak of religion had offended some the old traditional customs and Confucian morality so Trịnh, Nguyễn governments ordered to forbid Catholicism many times”<sup>16</sup>. In Vietnam, Catholicism spent the rise and fall; lastly, it had a social position and exercised no inconsiderable influence on Vietnamese society. Vietnamese history recognized the great merit of a patriotic Catholic who was the reformer of the 19<sup>th</sup> century - Nguyễn Trường Tộ, and priests who took part in patriotic movement in the beginning of the 20<sup>th</sup> century of Phan Bội Châu.

In 1926, Caodaism, the native religion of Vietnam was set up in Tây Ninh. This religion based on the unification of five religions: Confucianism, Taoism, Christianity, Buddhism and Gennism<sup>17</sup>. The appearance of Caodaism reflected harmonious mind of the East and the West, as well as the generous heart of Vietnamese<sup>18</sup>. The dogmas, rites of this native religion have made spiritual culture of Vietnam more diversity. They have actively influenced the social life, they have created precondition of theory and practice for legislation and executive.

Beside these above religions, in social life and law of Vietnam there are Islam, Protestantism and Hòa Hảo Buddhism. These religions have the important position. Though their dogmas, rites and the amount of believers are different, they have humane characters and incline to the good. They have great significance in establishing and realizing rule of law. As many conceptions of morality and dogmas

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<sup>15</sup> *Vietnamese History*, Volume 1, Social Sciences Press, 1974, p. 304.

<sup>16</sup> *Idem.*

<sup>17</sup> Nguyễn Hồng Dương. *Understanding the Organization of Parish and Sub-parish in the North from the 19<sup>th</sup> Century to the Beginning of the 20<sup>th</sup> Century and The Situation Integrate National Culture of Vietnamese Catholicism in On Religion and Vietnamese Religions at present*, *ibid*, p. 389-406 and p. 407-438.

<sup>18</sup> Institution of Religious Studies. *The First Step to Understand Caodaism*, Social Sciences Press, 1995.

of these religion corresponds to affectional life style of Vietnamese and the regulations of law.

We have just mentioned some general features on Confucianism and some popular religions in Vietnam. But the main content of this article is to study how Confucian ideology and religious dogmas influence social life and the building of the Socialist of Rule of Law State at present? To answer this question, we should make a study of the relation between law and religions.

“Law is system of conducts, propagated and surely carried out by State. Law expresses the will of the ruling class in society, it has adjusted social relations and made society security and order”<sup>19</sup> According this definition, we understand that in any periods, any countries, law always relates to state, concretely, to any one who holds state machinery. In the capacity of instrument of state management, law has carried out two functions in the same time 1) Law has adjusted social relations that are making the social relations in order. The social relations should be in accordance with definite standards and sanctions. People compel to carry out law. Law has education function i.e. law impacts consciousness and psychology of people. People will do all things which are in accordance with regulations of State (carrying out legal rights and obligations of citizen).

“In the general meaning, religious consciousness satisfies the need of people on the system of morals. People can not refute this system but they must obey it”<sup>20</sup>. Religion is the formation of social consciousness and ideology to reflect spiritual life. Religion has following functions: creating unrealities; worldview; uniting communities, educating culture and correcting moral actions)<sup>21</sup>. Looking from the real life angle, we can say that religion influences actively establishing and adjusting of moral consciousness which is a base of establishing and strengthening of jurisdiction as well as enforcement of law.

Religion and law are the special formations of social consciousness; they have historical characters (their contents and forms have changed in accordance with historical conditions), their political and mass characters (most of people have

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<sup>19</sup> Textbook *The General Theorectics on State and Law* (Law Department of Hanoi University), Hanoi University Press, 1992, p. 226.

<sup>20</sup> A.G. Spirkin. Ibid, p. 144.

<sup>21</sup> Nguyễn Hữu Vui. *Religions and Ethics from Philosophical Aspect*, Philosophical Review, N<sup>o</sup>. 4, 1993.

adapted these characters)<sup>22</sup>. When drafting law they must pay attention to dogmas. For Islamic countries, they have considered dogmas as theoretical base for drafting of national law.

In Vietnamese feudal history, many codes were drafted, especially Hồng Đức code (in the Lê dynasty) and Gia Long code (in the Nguyễn dynasty)<sup>23</sup>, government officials had carefully and absolutely applied religious dogmas. In Hồng Đức code there were 10 felonies: Violation of religious beliefs (to steal worshipping objects); violation of family relationship: parents- children; teacher –pupil; husband-wife; friends (influenced by Confucianism), violation of the life and the dignity of the other (influenced by the five commandments of Buddhism)<sup>24</sup>

Religion has influenced law so Vietnamese history has many legends to relate the relation between authorities and religious beliefs. The feudal king in the Orient used to mysterious stories to enhance their prestige and power. In China, kings were called Thiên tử (son of heaven) so their subjects followed their kings with all their hearts. All Vietnamese know the legends as: 1- Kim Quy deity (the God tortoise) helped An Dương Vương king to build Cổ Loa citadel and award king a magic cross-bow for fighting the aggressors. 2- The story of Mai Thúc Loan status (Mai Hắc Đế) retells that Mai Thúc Loan's mother went to forest and she found a strange footmark. She tried on this footmark then she was a pregnant and gave birth to Mai Thúc Loan. This story has passed by tradition from one generation to another. This story has enhanced Mai Thúc Loan's prestige. He became a king. 3- A legend recorded that Nguyễn Trãi discussed Lê Lợi to use fat writing the sentence '*Lê Lợi vi quân, Nguyễn Trãi vi thần*' (it means Lê Lợi is a king, Nguyễn Trãi is an assistant) on the leaves. These leaves flid everywhere, people picked up leaves and read this sentence and they believed this sentence to be heaven's idea. In a war of resistance against Ming, they fought body and soul for their beloved country. This resistance won victory, Lê Lợi became the king. The victory of resistance was embellished by the legend 'the history of Hồ Gươm' (it means the history of Sword lake), thanks to the magic sword of Kim Quy deity, Lê Lợi established his cause.

In Vietnam modern history, the leaders of the anti-French movements often based Taoist clergymen; they considered themselves as Taoist hermits to create

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<sup>22</sup> See *Textbook on Scientific Socialism*, National Politics Press, 2006, p. 229-231.

<sup>23</sup> See *Textbook on National History and Vietnamese Law* (Hanoi Law University), National Politics Press, 1996.

<sup>24</sup> Idem.

optimist spirits for volunteers... In 1895, Mạc Đình Phúc, the leader of the uprising in the North, propagated that he could be able to make French guns shoot only French. Võ Trứ (Bình Định province) and Trần Cao Vân (Quảng Nam province) advised their troops to wear charm when fighting against enemies<sup>25</sup>

In the era of science –technology development, the nature and form of religion changed more or less, but its role in social life has been unchanged. Besides other formation of social consciousness, such as politics, law, ethics, arts and science... religion plays an important role in the adjustment of human behavior, it has affected social relationships. It has consolidated and promoted the standard moral values then built a healthy lifestyle “Living in good life in both civil and religious terms”. In the building of the Socialist of Rule of Law State in Vietnam at present, we should consult the dogmas, moral conceptions, and psychological life of religions. When studying “New code” of Caodaism, we find that the ideology of Caodaism has many words corresponding to norms of national law.

“On the five basic commandments, all Caodaism believers must obey five basic prohibitions 1- not to kill or injure any living being; 2- not to take other’s belongings; 3- not to engage in improper sexual conduct; 4- Not to drink intoxicants; 5- not to lie or slander...”<sup>26</sup>

“On the secular rules. All Caodaism believers must obey the secular rules: 1- to love the teacher; 2- Not to keep a grudge against somebody; 3- to consider the three bonds and five constants of Confucian ethics as source of humanity; 4- to have mild disposition”<sup>27</sup>.

These dogmas of Caodaism have profound human character and strict legal one; the language of these dogmas is clear and logic; if Caodaism believers strictly carry out dogmas, society will be security, executive organ and judiciary have not many things to do. On this problem, Nguyễn Sĩ Dũng said that: “if other norms still promote their effects we should not abuse law”. According to him, the adjustment of social relationship by documents and law “is a costly adjustment” (when comparing to the adjustment of social relationship by moral standards and religious dogmas- Hoàng Thị Hạnh); this adjustment influences human liberty<sup>28</sup>. From ancient times to

<sup>25</sup> Trần Văn Giàu. *The Development of Vietnamese Ideology from the 19<sup>th</sup> Century to the August Revolution*, Social Sciences Press, 1975.

<sup>26</sup> Institute of Religious Studies. *The First Step to Understand Caodaism*, ibid.

<sup>27</sup> Idem.

<sup>28</sup> Nguyễn Sĩ Dũng. *Discussion of Philosophy of Law*, Legislative Studies Review, N<sup>o</sup>. 6, 2003, p.7.



the present, “the person who has the most profound in the world is not scientist, politician but the founder of religious beliefs”<sup>29</sup>. Since then, we can see that the head of sect exerts the great influence on his believers in particular and the masses in general<sup>30</sup>.

Religious dogmas and moral standards have been not only a base for compilation of law but also for implementation of law. After reading *Crime and Punishment* by Dostoevski, we can find that no court judges people justly, sensibly more than the court of conscience. Perhaps, basing on psychological character, Christianity has the ritual of confession. In *Moral philosophy*<sup>31</sup> by Vladimir Soloviev (Russia), Karol Wojtyla (Poland), Albert Schweitzer (German), enhanced the role of asceticism<sup>32</sup>. According to them systems of religions-ethics advise people how to master of themselves, to control the trivial passions and to enhance spiritual happiness. Ascetic life is moral request to reflect people’s responsibility to themselves and it is means to help people achieve their highest aims. These views have been explained more concretely in philosophy of life of Krishnamurti, Indian philosopher, the head of The Oriental Star Association<sup>33</sup>.

From these above analyses, we find that, religions are traveling with the nation on the way of building of socialism and the cause of building of socialist of rule of law State of people, by people and for people<sup>34</sup>: The Dharm a and law step by step close with each other. It is reflected in document issued by the 9th National Congress of Vietnamese Communist Party:

“Faiths and religions constitute the spiritual need of a segment of the population. To implement a consistent policy of respecting and guaranteeing the right to freedom of belief, freedom of religion and non-religion, as well as the right to normal religious practices as stipulated by the law. To rally compatriots of different religions, religious and non-religious compatriots... To strictly prohibit abuse of issues related to ethnicity, faith and religion to act against State laws and policies”<sup>35</sup>

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<sup>29</sup> Phùng Đạt Văn. *Religious Beliefs and Ration*, Religious Studies Review, N<sup>o</sup>. 5, 2003. p.11.

<sup>30</sup> Hegel also noted that the same word could be different with the different speakers.

<sup>31</sup> *Moral Philosophy*, Information and Culture Press, Hanoi, 2002.

<sup>32</sup> Asceticism is understood as the simple life style but not to mortify or to live in poverty.

<sup>33</sup> Krishnamurti. *Education and Significance of Life*, Sai Gon Culture Press, 2007.

<sup>34</sup> Đặng Nghiêm Vạn. *Religions and Fatherland*, Religious Studies Review, N<sup>o</sup>.1, 2008.

<sup>35</sup> Vietnamese Communist Party. *Documents of the 9<sup>th</sup> Congress of National Delegates*, National Politics Press, Hanoi, 2001, p.128.

The right awareness of Vietnam Communist Party and State has opened a new period in the friendly relation between state and church, believers and non-believers. This awareness has been consolidated and affirmed in the document issued by the 9<sup>th</sup> National Congress of Vietnamese Communist Party “Compatriots of various religions have been an important part of national united bloc. To implement a consistent policy of respecting and guaranteeing the right to freedom of belief, freedom of religion and non-religion, as well as the right to normal religious practices as stipulated by the law. To rally compatriots of different religions, religious and non-religious compatriots... to promote the fine cultural and ethical values of religions. Religious believers and dignitaries are obliged to fulfill their duties as citizens toward the Homeland, leading “a good life in both civic and religious terms”<sup>36</sup>

If “a good life in both civic and religious terms” has been applied in life, we think that Vietnam Communist Party and State should be interested in religious affairs increasingly. Religious vestiges should be restored; religious antiques should be collected and preserved. The prayer books should be translated. The amount of dignitaries in National Assembly should be increased. Science of Religion should be taught in the universities<sup>37</sup>. Respect of freedom of religion is also respect of human right and spiritual life so that all citizens more believe in their system. History has showed that in any systems government has an enmity against religion, the people will not support and believe in their system<sup>38</sup>.

Building of legislative socialist State is a long and completely affair; it not only requests exertion of state but also the strength of whole people. In other words, this problem should be socialized. When compiling and carrying out law we should pay attention the influence of ethics and humane of religious dogmas. We should take care of spiritual life of religions as well as the spiritual life of people. Because of in any periods, any society, Law has not separated from the Dharma. The temporal cannot separate from the spiritual<sup>39</sup>. /.

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<sup>36</sup> Idem.

<sup>37</sup> Lê Văn Đỉnh. *Education of Law, the Important Foundation for Ensuring Religious Activities in Accordance with National Interests*, Religious Studies Review, N<sup>o</sup>. 4, 2008.

<sup>38</sup> Nguyễn Thị Nga. *Conceptions of K. Marx and Engel on the Nature of Religion and the Resolution of Religious Problem in our Country at present*. Political Theory Review, N<sup>o</sup>. 6, 2003.

<sup>39</sup> Hà Thúc Minh. *The Temporal and the Spiritual*, Religious Studies Review, N<sup>o</sup>. 3, 2004 and *Internal World and Outer World*, Religious Studies Review, N<sup>o</sup>. 3, 2008.